

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

WILLIS ABEGGLEN, et al.,

Plaintiffs,

-vs-

CASE NO. 10-CV-110

TOWN OF BELOIT, et al.,

Defendants.

**DEPOSITION OF JOHN WILSON, was taken at
the instance of the Plaintiffs, under and
pursuant to the provisions of the Federal Rules
of Civil Procedure, and the acts amendatory
thereof and supplementary thereto, before me,
CHRISTINE A. MORAN, RPR, and Notary Public in and
for the State of Wisconsin, at the Beloit Fire
Department, 2445 South Afton Road, Beloit,
Wisconsin, on the 1st day of September, 2010,
commencing at 9:32 o'clock in the forenoon.**

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Page 2				Page 4			
1	A P P E A R A N C E S			1	(Original Exhibits 1 through 20 were sent with		
2	RETTKO LAW OFFICES, S.C., 15460 West				original and copies of the transcripts.)		
3	Capitol Drive, Suite 150, Brookfield, Wisconsin			2			
4	53005, by MR. WILLIAM R. RETTKO, appeared on			3	(The original transcript was sent to Attorney		
5	behalf of the Plaintiffs.				Rettko.)		
6	ZALEWSKI, KLINNER & KRAMER, LLP, 1500			4			
7	Merrill Avenue, P.O. Box 1386, Wausau, Wisconsin			5			
8	54401-1386, by MR. RICHARD W. ZALEWSKI, appeared			6			
9	on behalf of the Defendants.			7			
10	ALSO PRESENT: Kris Eastman, Robert			8			
11	Museus, Willis Abegglen and Mary Abegglen.			9			
12				10			
13	I N D E X			11			
14	WITNESS	EXAMINATION	PAGE	12			
15	JOHN WILSON	By MR. RETTKO	4	13			
16				14			
17	E X H I B I T S			15			
18	EXHIBIT NO.	DESCRIPTION	ID'd	16			
19	1	Memo from Bargaining Unit Members of Local	15	17			
20		579 to Wilson 11/17/08		18			
21	2	Memo from Dransfield to Abegglen 11/18/08	19	19			
22	3	Vote Of No Confidence	21	20			
23	4	Letter to Museus from Levy with	31	21			
24		attachments		22			
25	5	Letter to Wilson from Museus 1/5/09	39	23			
				24			
				25			

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1	6	Memo to Museus from Wilson 1/3/09	42	1	P R O C E E D I N G S		
2	7	BDN Connection article 2/3/09	48	2	(Exhibits 1-19 were marked.)		
3	8	Town of Beloit investigates racial slurs	51	3	JOHN WILSON, called as a witness herein		
4	9	Agenda, Town of Beloit Board of	53	4	by the Plaintiffs, after having been first duly		
5		Supervisors Meeting 2/16/09		5	sworn, was examined and testified as follows:		
6	10	Duties of Municipal Court Clerk	55	6	E X A M I N A T I O N		
7	11	Town of Beloit Job Description - Police	61	7	BY MR. RETTKO:		
8		Sergeant		8	Q Would you please state your name for the record?		
9	12	Town of Beloit Job Description - Police	61	9	A John Wilson.		
10		Sergeant		10	Q Have you given a deposition in a civil lawsuit		
11	13	Memo	69	11	before?		
12	14	Memo to Museus from Abegglen 2/27/09	70	12	A Yes.		
13	15	Letter to Abegglen from Museus 3/17/09	71	13	Q Just a couple things before we get started as		
14	16	Letter to Abegglen from Museus 3/17/09	73	14	reminders. I'm going to be asking a series of		
15	17	Memo to All Sworn Personnel from Chief	74	15	questions, and your attorney in this particular		
16		Wilson 11/10/09		16	matter is sitting next to you and he may be		
17	18	Letter to Abegglen from Museus 2/24/10	80	17	raising some objections during the course of the		
18	19	Memo to Abegglen from Wilson 6/24/09	82	18	deposition. If he does that, you should wait to		
19	20	Town of Beloit Job Description -	56	19	listen for his objection to go onto the record.		
20		Administrative Assistant		20	Unless he instructs you not to answer the		
21				21	question, I'm going to kindly ask that you answer		
22	R E Q U E S T E D I T E M S			22	the question subject to his objection.		
23	None			23	If at any time I'm asking any question		
24	M A R K E D Q U E S T I O N S			24	that you do not understand, please let me know		
25	None			25	that because any time you answer any of my		

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<p>1 questions, I'm going to assume you understood the</p> <p>2 question asked.</p> <p>3 We can take breaks at any time. I</p> <p>4 anticipate going about three, three and a half</p> <p>5 hours for this deposition, so if you need to take</p> <p>6 a break let me know and we'll take a break.</p> <p>7 A Okay.</p> <p>8 Q Your date of birth?</p> <p>9 A May 21st, 1945.</p> <p>10 Q When did you graduate from high school?</p> <p>11 A 1964.</p> <p>12 Q Do you have any intent to retire by next August?</p> <p>13 A By next August?</p> <p>14 Q From the Town of Beloit Police Department?</p> <p>15 A That is up for debate. My wife is terminally</p> <p>16 ill, so it would depend upon her medical</p> <p>17 condition.</p> <p>18 Q Okay. In that case what is your current address?</p> <p>19 A 4961 Satinwood Drive.</p> <p>20 Q And that's in the Town of Beloit?</p> <p>21 A It's a Beloit address, but it's in the Town of</p> <p>22 Beloit proper.</p> <p>23 Q And your highest level of education?</p> <p>24 A College.</p> <p>25 Q And when did you graduate from college?</p>	<p>1 When did you leave there?</p> <p>2 A October 1st of '97.</p> <p>3 Q How many promotions did you have at Bolingbrook?</p> <p>4 A Let's see. Sergeant, Lieutenant, Deputy Chief,</p> <p>5 Chief.</p> <p>6 Q When did you become Chief in Bolingbrook?</p> <p>7 A '95.</p> <p>8 Q And you remained Chief till one -- October 1st,</p> <p>9 '97?</p> <p>10 A That's correct, uhm-hum.</p> <p>11 Q What occurred at that time?</p> <p>12 A I retired.</p> <p>13 Q What was your next position in law enforcement</p> <p>14 after retiring from the Bolingbrook Police</p> <p>15 Department?</p> <p>16 A I worked for the Izard County Sheriff's</p> <p>17 Department, Melbourne, Arkansas.</p> <p>18 Q What did you do for them?</p> <p>19 A Road deputy. Served papers, processing.</p> <p>20 Q When did you start that position?</p> <p>21 A Let's see. January of '98.</p> <p>22 Q And how long did you remain in that position?</p> <p>23 A Until early 2003.</p> <p>24 Q What occurred at that time?</p> <p>25 A I resigned to take tests for Chief and then in</p>
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<p>1 A 2000.</p> <p>2 Q And where did you get your degree from?</p> <p>3 A Breyer's.</p> <p>4 Q And your major?</p> <p>5 A Criminal justice.</p> <p>6 Q What was your first employment in the law</p> <p>7 enforcement field as a police officer?</p> <p>8 A Maywood Police Department.</p> <p>9 Q Maywood, Illinois?</p> <p>10 A That's correct, uhm-hum.</p> <p>11 Q And when did you obtain that position?</p> <p>12 A It was June of '72.</p> <p>13 Q How long did you remain with the Maywood Police</p> <p>14 Department?</p> <p>15 A Left February 13th, 1974.</p> <p>16 Q Still in the rank of police officer?</p> <p>17 A That's correct.</p> <p>18 Q And when you left Maywood, where did you go next?</p> <p>19 A Bolingbrook, Illinois.</p> <p>20 Q As a police officer?</p> <p>21 A Correct, uhm-hum.</p> <p>22 Q And how long did you -- And that was in February</p> <p>23 of --</p> <p>24 A '74.</p> <p>25 Q -- you started?</p>	<p>1 May I was appointed Chief here.</p> <p>2 Q May of 2003?</p> <p>3 A That's correct, uhm-hum.</p> <p>4 Q And you've been the Chief in the Town of Beloit</p> <p>5 Police Department continuously since May of 2003?</p> <p>6 A That's correct, uhm-hum.</p> <p>7 Q Is there any reason why you retired from the</p> <p>8 Bolingbrook Police Department in October of</p> <p>9 '97 without a job lined up?</p> <p>10 A My pension more than took care of any moneys that</p> <p>11 I needed, and we were retiring down to an area</p> <p>12 where it was a lot cheaper to live in, our house</p> <p>13 was paid for. The only bill we had at the time</p> <p>14 was my car, my truck.</p> <p>15 Q Is there any reason why you left the Melbourne,</p> <p>16 Arkansas or the Izard County --</p> <p>17 A Izard County Sheriff's Office?</p> <p>18 Q Yeah.</p> <p>19 A My wife was getting -- had been diagnosed with</p> <p>20 congestive heart disease, rheumatoid arthritis,</p> <p>21 high blood pressure and we wanted to come back to</p> <p>22 an area that had better medical care.</p> <p>23 Q In your employment at Bolingbrook as Chief or</p> <p>24 Deputy Chief, were you ever accused of being a</p> <p>25 racist?</p>

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<p>1 A Nope.</p> <p>2 Q At the Bolingbrook Police Department, did the</p> <p>3 officers ever have a note of no confidence</p> <p>4 against you?</p> <p>5 A Nope.</p> <p>6 Q When you arrived at the Town of Beloit Police</p> <p>7 Department in May of 2003, what position did</p> <p>8 Willis Abegglen have at that time?</p> <p>9 A Patrol Sergeant.</p> <p>10 Q And how long after you arrived did Willis</p> <p>11 Abegglen get promoted to Deputy Chief?</p> <p>12 A I don't know. It was not long.</p> <p>13 Q Did you make that appointment?</p> <p>14 A I recommended him, yes.</p> <p>15 Q And why did you make the recommendation to have</p> <p>16 Willis Abegglen go from Patrol Sergeant to Deputy</p> <p>17 Chief?</p> <p>18 A Captain Roden had retired and we were looking for</p> <p>19 somebody internal, and at that time based on the</p> <p>20 supervisors, it was he and Pat Mackey and Pat</p> <p>21 Mackey was too young and Abegglen had quite a bit</p> <p>22 of street experience and was eager to learn the</p> <p>23 job.</p> <p>24 Q Do you recall what Abegglen's duties and</p> <p>25 responsibilities were as Deputy Chief when he got</p>	<p>1 Department in that position of Court Clerk and</p> <p>2 administrative police person prior to your</p> <p>3 arrival?</p> <p>4 A No.</p> <p>5 Q What duties and -- Okay. You named that --</p> <p>6 strike that.</p> <p>7 When you arrived here in May of 2003,</p> <p>8 did you consider yourself Mary Abegglen's</p> <p>9 supervisor?</p> <p>10 A Yeah.</p> <p>11 Q Why do you say that?</p> <p>12 A What we did was Willie handled the Patrol</p> <p>13 Division and then I would take over the records</p> <p>14 area. It wasn't -- It was a division of the two</p> <p>15 jobs so it was easier for him to handle that</p> <p>16 position, and also at the time he was dating Mary</p> <p>17 so it was easier for me to just supervise her, so</p> <p>18 her and I worked together.</p> <p>19 Q Now, going ahead to October 2008, it's my</p> <p>20 understanding Willis Abegglen was a Deputy Chief</p> <p>21 with the Town of Beloit Police Department?</p> <p>22 A That's correct.</p> <p>23 Q And he had been the Deputy Chief for</p> <p>24 approximately how long at that time?</p> <p>25 A From I think -- I think he got promoted late</p>
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<p>1 that appointment?</p> <p>2 A Well, he oversaw the Patrol Division, did the</p> <p>3 scheduling, helped with the training, recommended</p> <p>4 training and then helped with rebuilding the</p> <p>5 department as far as equipment and policies.</p> <p>6 Q When you arrived in May of 2003, what position</p> <p>7 did Mary Maynard, now known as Mary Abegglen,</p> <p>8 hold?</p> <p>9 A She was the Court Clerk and she was -- she also</p> <p>10 handled another duty of records and then there</p> <p>11 were times that if I needed her to type a letter</p> <p>12 or memo, she would also do those. She also did</p> <p>13 payroll. Might have been some others I don't</p> <p>14 remember, but, I mean, they were all lumped in</p> <p>15 together.</p> <p>16 Q And payroll for the police department?</p> <p>17 A That's correct, yes, sir. Uhm-uhm.</p> <p>18 Q When you arrived here in 2003 that first year you</p> <p>19 were here, how did you get along with Willis</p> <p>20 Abegglen?</p> <p>21 A Good.</p> <p>22 Q How did you get along with Mary?</p> <p>23 A Good.</p> <p>24 Q Do you have any recollection of how long Mary had</p> <p>25 been employed by the Town of Beloit Police</p>	<p>1 2003. I don't remember the exact date, but from</p> <p>2 that time until then, yes.</p> <p>3 Q Okay. And had Abegglen's duties and</p> <p>4 responsibilities as Deputy Chief deviated at all</p> <p>5 since late 2003 to October 2008?</p> <p>6 A No. No.</p> <p>7 Q In October of 2008 did you have any word that</p> <p>8 there might be department cutbacks coming down</p> <p>9 the pipe?</p> <p>10 A In October?</p> <p>11 Q Yes.</p> <p>12 A No, sir.</p> <p>13 Q How were you getting along with Willis Abegglen</p> <p>14 in October of 2008?</p> <p>15 A Fine.</p> <p>16 Q Also by October 2008 Mary Abegglen's position was</p> <p>17 still Court Clerk and administrative functioning</p> <p>18 in the police department, correct?</p> <p>19 A Right. It hadn't changed, uhm-hum. She was</p> <p>20 still doing all those jobs. Well, at that time</p> <p>21 we did have another lady that was helping her,</p> <p>22 but Mary was -- even though they were both union</p> <p>23 employees, if there was any questions that this</p> <p>24 other lady had, Mary would answer them and would</p> <p>25 help train her, so, I mean, there was that point</p>

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<p>1 where Mary did train another employee. But other</p> <p>2 than that her job stayed basically the same, yes.</p> <p>3 Q And did you still consider yourself Mary's</p> <p>4 supervisor in October 2008?</p> <p>5 A Yeah.</p> <p>6 Q You were still getting along with Mary okay?</p> <p>7 A Yup, uhm-hum.</p> <p>8 Q Yes?</p> <p>9 A Yes.</p> <p>10 Q Any discussion of cutbacks with the courts in</p> <p>11 October of 2008?</p> <p>12 A No, sir.</p> <p>13 Q Going ahead still further, on or about</p> <p>14 November 17, 2008, do you know who removed</p> <p>15 Officer Burkee's jacket from the report writing</p> <p>16 room to your office?</p> <p>17 A Yeah, I did.</p> <p>18 Q Why did you do that?</p> <p>19 A It had been laying back in the report writing</p> <p>20 room. It was laying on the floor initially, so I</p> <p>21 figure, well, he had just -- somebody or he had</p> <p>22 just knocked it off, so I picked it up and put it</p> <p>23 on the chair. A couple days later it was still</p> <p>24 laying there. We had some service people going</p> <p>25 to come in, so I took it in my office and placed</p>	<p>1 training hours for 2008 at that time?</p> <p>2 A I don't know.</p> <p>3 Q Did you consider this particular memo a complaint</p> <p>4 that Burkee was making a complaint about his --</p> <p>5 about race being a factor in the reason for him</p> <p>6 not getting the mandatory training?</p> <p>7 A Well, when the comment is only minority officer,</p> <p>8 I would assume so, yes.</p> <p>9 Q How did you feel about Burkee making his race an</p> <p>10 issue in this matter?</p> <p>11 A I was upset because Burkee's race has never been</p> <p>12 an issue. And then there's other surrounding</p> <p>13 factors about this, so I assume we're going to go</p> <p>14 into those, right?</p> <p>15 Q Now, it was on that particular day, November 17,</p> <p>16 that you had asked Burkee to go to your office to</p> <p>17 get his jacket?</p> <p>18 A I don't think it was on that day. It was around</p> <p>19 that time period. Burkee wanted to know where</p> <p>20 his jacket was and I told him it was in the</p> <p>21 office. I told him, I said make sure in the</p> <p>22 future that you at least put it up so that your</p> <p>23 badge is not exposed to anybody walking through</p> <p>24 the building. So he came in and got it and said</p> <p>25 it wouldn't happen again.</p>
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<p>1 it in there till he would come in and want to</p> <p>2 know where it was at. The primary reason is not</p> <p>3 the jacket, it had his badge on the jacket.</p> <p>4 Q And --</p> <p>5 A And that door is not -- That room is not a secure</p> <p>6 room either, so it was open for anybody to have</p> <p>7 seen or picked it up.</p> <p>8 Q Okay. I'm going to show you what's been marked</p> <p>9 as Exhibit 1. Can you identify what that</p> <p>10 document is?</p> <p>11 A Yeah.</p> <p>12 Q What is it?</p> <p>13 A It's a memo from the bargaining unit reference</p> <p>14 Burkee hadn't received training.</p> <p>15 Q When was the first time that you recall seeing</p> <p>16 this particular memo?</p> <p>17 A It ended up in my mailbox.</p> <p>18 Q On that date, November 17?</p> <p>19 A I would assume, yeah.</p> <p>20 Q Is that the first time you learned of Burkee's</p> <p>21 complaint about not getting the mandatory</p> <p>22 in-service training for 2008?</p> <p>23 A Correct, uhm-hum.</p> <p>24 Q To your knowledge, why was Burkee making a</p> <p>25 complaint about not getting his in-service</p>	<p>1 Q Burkee's version is that when he went into your</p> <p>2 office to get his jacket, it was at that time</p> <p>3 that you informed him that you were going to be</p> <p>4 returning a citizen's complaint previously</p> <p>5 removed from his personnel file back into his</p> <p>6 personnel file as a direct result of him filing</p> <p>7 this memo. Is that your understanding?</p> <p>8 MR. ZALEWSKI: I'm just going to object</p> <p>9 to the form of that question. We don't know</p> <p>10 whether that's Burkee's version or not, but go</p> <p>11 ahead and answer if you can.</p> <p>12 THE WITNESS: Sure. That's not -- It</p> <p>13 wasn't based on this. Burkee had gone -- was</p> <p>14 taking a test somewhere over around Appleton and</p> <p>15 that's part of why this memo came up is -- and he</p> <p>16 had told Deputy Chief Abegglen and I that he was</p> <p>17 testing, so we made the decision to hold off on</p> <p>18 his training because if he was going to be</p> <p>19 leaving soon there was no reason to spend</p> <p>20 department dollars on that.</p> <p>21 As far as there was a -- it wasn't a</p> <p>22 letter, it was a -- He had been suspended for</p> <p>23 violating -- I forget exactly what it is, we can</p> <p>24 pull his file, but I also told him that when we</p> <p>25 pulled it out of his file to help him get this</p>

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<p>1 job, 'cause he had asked, I would do that favor</p> <p>2 but that it would be going back in after he was</p> <p>3 either done with the process or he had been</p> <p>4 hired. So he knew it was going to go back in his</p> <p>5 file at some date, but it had nothing to do with</p> <p>6 this.</p> <p>7 BY MR. RETTKO:</p> <p>8 Q Do you recall what the nature of that citizen's</p> <p>9 complaint was?</p> <p>10 A It had to do -- Like I said it was either he had</p> <p>11 not read somebody their rights or he had violated</p> <p>12 the amendment on search.</p> <p>13 Q What changed at that particular time that you</p> <p>14 made the decision to place the citizen's</p> <p>15 complaint back into his file?</p> <p>16 A Well, at that time he had also told us that he</p> <p>17 had not gotten the job and that had been like</p> <p>18 five months, six months from the time that he</p> <p>19 told us that he was -- that he had tested for it</p> <p>20 and he was in the top -- I don't know, he was in</p> <p>21 the top, three, four, five somewhere, but he was</p> <p>22 in the top where he thought he had a good chance</p> <p>23 of getting the job, and then this, when all this</p> <p>24 come up, that's when he also told us that he had</p> <p>25 not gotten the position.</p>	<p>1 Q When you first got this memo on November 18,</p> <p>2 2008, did you have any disagreements with what</p> <p>3 Officer Burkee had informed Sergeant Dransfield?</p> <p>4 A Not that I can remember.</p> <p>5 Q As you sit here today, is there anything in your</p> <p>6 recollection that you would disagree with that</p> <p>7 Officer Burkee had told Sergeant Dransfield?</p> <p>8 MR. ZALEWSKI: I'll object to the form.</p> <p>9 He wasn't there when that conversation took</p> <p>10 place, so I don't think he can answer it</p> <p>11 correctly, but go ahead and answer if you could.</p> <p>12 THE WITNESS: I'm sorry, ask it again.</p> <p>13 BY MR. RETTKO:</p> <p>14 Q Based on the way this memo is written, do you</p> <p>15 have any disagreement with what Officer Burkee's</p> <p>16 statements are in this memo to Sergeant</p> <p>17 Dransfield?</p> <p>18 MR. ZALEWSKI: Same objection. Answer</p> <p>19 it if you can.</p> <p>20 THE WITNESS: Well, I mean he's got the</p> <p>21 facts in here. I mean, the fact that he hadn't</p> <p>22 received his 24 hour training and the fact about</p> <p>23 his coat and the fact that he -- we found out</p> <p>24 later that he wasn't aware that the union steward</p> <p>25 Luzinski had put the race in there, which came</p>
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<p>1 Q I'm going to show you what's been marked as</p> <p>2 Exhibit 2 in this case. I'll ask that you read</p> <p>3 it and I'll ask you some questions about this.</p> <p>4 A Okay.</p> <p>5 Q Can you identify what Exhibit 2 is for the</p> <p>6 record?</p> <p>7 A It's a memo to Deputy Chief Abegglen from</p> <p>8 Sergeant Dransfield.</p> <p>9 Q And the date of it is November 18, 2008</p> <p>10 concerning a conversation that --</p> <p>11 A Uhm-hum.</p> <p>12 Q -- Sergeant Dransfield had with Officer Burkee,</p> <p>13 correct?</p> <p>14 A Uhm-hum.</p> <p>15 Q Now, you've had a chance to read this particular</p> <p>16 memo?</p> <p>17 A Uhm-hum.</p> <p>18 Q Have you ever seen this memo prior to today?</p> <p>19 A Yes.</p> <p>20 Q When was the first time you saw this memo?</p> <p>21 A About the same time.</p> <p>22 Q Around November 18?</p> <p>23 A That's correct, yeah.</p> <p>24 Q 2008?</p> <p>25 A Yeah.</p>	<p>1 out in the conversation later.</p> <p>2 BY MR. RETTKO:</p> <p>3 Q So you -- And you don't deny that you asked</p> <p>4 Officer Burkee to explain how the race issue came</p> <p>5 up in the memo that's been marked as Exhibit 1 in</p> <p>6 this case?</p> <p>7 A I may have. I'm not going to -- You know, I</p> <p>8 don't recollect, but I may have asked him.</p> <p>9 Q Why did you ask him why the race issue came up?</p> <p>10 A Probably would have been because Burkee has</p> <p>11 never, ever brought race into any issue even when</p> <p>12 he has been disciplined or he's been, you know,</p> <p>13 brought in the office and talked to. It was a</p> <p>14 shock.</p> <p>15 Q After your meeting with Burkee on November 17, do</p> <p>16 you recall calling Mary Abegglen into your</p> <p>17 office?</p> <p>18 A No, not that I remember.</p> <p>19 Q Do you recall having a conversation with Mary</p> <p>20 Abegglen after Burkee left your office that you</p> <p>21 were going to find out who was responsible for</p> <p>22 the memo complaining of Burkee's lack of training</p> <p>23 due to his race?</p> <p>24 A No. I already knew who was responsible for it;</p> <p>25 Luzinski was.</p>

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<p>1 Q You found that out on what day?</p> <p>2 A The day that we got this memo.</p> <p>3 Q How did you know that?</p> <p>4 A Because Luzinski was the one that wrote it up.</p> <p>5 Q How did you know that from the memo?</p> <p>6 A Well, Burkee, when Burkee and I had talked about</p> <p>7 it, he had made the comment that he -- the</p> <p>8 complaint from the bargaining unit had been</p> <p>9 written up by Luzinski. And Luzinski at that</p> <p>10 time was the union steward along with Mike</p> <p>11 Bogdonas but Luzinski was doing most of the memo</p> <p>12 writing.</p> <p>13 Q You knew that from past practice?</p> <p>14 A Yeah.</p> <p>15 Q Did you call Luzinski that day?</p> <p>16 A No.</p> <p>17 Q Why not?</p> <p>18 A This was a training issue that Deputy Chief</p> <p>19 Abegglen and I handled in a matter of hours when</p> <p>20 he was able to get him in training right away</p> <p>21 since we'd now -- at that point we knew he was</p> <p>22 going to be with the department, so then with</p> <p>23 just a couple phone calls we got the training</p> <p>24 arranged.</p> <p>25 Q And isn't it true when you told Mary Abegglen</p>	<p>1 BY MR. RETTKO:</p> <p>2 Q Were there any complaints of you being a racist</p> <p>3 before that?</p> <p>4 A No.</p> <p>5 Q Had you used the N word a lot during your job</p> <p>6 duties as Chief before that time?</p> <p>7 MR. ZALEWSKI: Object to form. What</p> <p>8 does a lot mean? Go ahead and answer if you can.</p> <p>9 THE WITNESS: I've used it.</p> <p>10 BY MR. RETTKO:</p> <p>11 Q On the job, correct, within the police department</p> <p>12 offices?</p> <p>13 A That's correct.</p> <p>14 Q What were the circumstances that you used the N</p> <p>15 word?</p> <p>16 A I don't remember.</p> <p>17 Q Is there any reason why you would use the N word?</p> <p>18 A Oh, probably, my generation probably, the</p> <p>19 departments that we worked for, it just becomes</p> <p>20 engrained, not that that's an excuse. I mean, I</p> <p>21 certainly wished I hadn't have used it, but --</p> <p>22 Q And just so we're clear on the record the N word</p> <p>23 I referred to is the word nigger?</p> <p>24 A Yes.</p> <p>25 Q That's what you also understand it to be?</p>
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<p>1 that you were going to find out who was</p> <p>2 responsible for the memo that she questioned your</p> <p>3 desire to find that person because you had used</p> <p>4 the N word a lot?</p> <p>5 MR. ZALEWSKI: I'm going to object to</p> <p>6 the form. He hasn't indicated that he ever was</p> <p>7 told that by Mary.</p> <p>8 THE WITNESS: I don't remember it.</p> <p>9 There was a lot going on at this particular time.</p> <p>10 We're talking about almost three years ago.</p> <p>11 BY MR. RETTKO:</p> <p>12 Q Did that bother you that Burkee had been making a</p> <p>13 complaint about his lack of training due to his</p> <p>14 race?</p> <p>15 MR. ZALEWSKI: Objection as to form. I</p> <p>16 don't know if -- I don't think Mr. Burkee has</p> <p>17 said that, but go ahead.</p> <p>18 THE WITNESS: It bothered me that race</p> <p>19 was entering into this when all he had to simply</p> <p>20 do is walk into Deputy Chief Abegglen's office</p> <p>21 and tell him I didn't get the job and it doesn't</p> <p>22 look like I'm going to be leaving the department,</p> <p>23 can I go ahead and be rescheduled for training.</p> <p>24 And he would have got it immediately, which he</p> <p>25 did once it was known that he was not leaving.</p>	<p>1 A Yup, that's right.</p> <p>2 Q As I understand, on November 19, 2008 then you</p> <p>3 met with Burkee and Willis Abegglen to work this</p> <p>4 situation out, which is two days after the fact;</p> <p>5 is that correct?</p> <p>6 A That could have been, yeah.</p> <p>7 Q And during that meeting you again asked Burkee</p> <p>8 why the race issue was raised in the memo</p> <p>9 regarding his service training; did you not?</p> <p>10 A Right.</p> <p>11 Q Why did you do that?</p> <p>12 A Just to get his perspective.</p> <p>13 Q Do you recall what Burkee's response was?</p> <p>14 A Something to the effect that he was shocked that</p> <p>15 the race issue had been placed in there, and</p> <p>16 that's when we discussed about his schooling,</p> <p>17 that all he had to do was come in and advise us,</p> <p>18 we would have got his schooling and it was an</p> <p>19 issue that didn't have to go through the union.</p> <p>20 All he had to do is walk into the Deputy Chief's</p> <p>21 office and the Deputy Chief would have seen that</p> <p>22 he would have got his training.</p> <p>23 Q In response to that, didn't you say something to</p> <p>24 the effect, I want to know who did this, listen</p> <p>25 I'll fire every mother fucker I need to find out</p>

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<p>1 who and I'll put everyone on the stand to find</p> <p>2 out?</p> <p>3 A I probably could have said that in anger, yeah.</p> <p>4 Q Why would you do that?</p> <p>5 A Well, I was upset because of the tone of the</p> <p>6 memo. Race had not entered into anything in the</p> <p>7 department.</p> <p>8 Q Why would you make that statement if you had</p> <p>9 known Luzinski wrote the memo to begin this?</p> <p>10 A I don't know. I just said it out of anger.</p> <p>11 Q What was the point of expressing your anger at</p> <p>12 that point to threaten Burkee with that?</p> <p>13 A I don't know. I can't answer that.</p> <p>14 Q Did you have any expectation of, any expectation</p> <p>15 of something that you were expecting might happen</p> <p>16 by making that statement to Burkee?</p> <p>17 A No.</p> <p>18 Q Had Burkee told you at that point that Luzinski</p> <p>19 wrote the memo, what would you have done?</p> <p>20 A I don't know.</p> <p>21 Q Then why did you want to know who the person was</p> <p>22 that wrote the memo?</p> <p>23 A 'Cause I had already had a suspicion of who it</p> <p>24 was.</p> <p>25 Q But you didn't really know for sure, did you?</p>	<p>1 you would do whatever you wanted to do in</p> <p>2 response to Abegglen's warning of creating a</p> <p>3 hostile work environment?</p> <p>4 A I don't remember saying that.</p> <p>5 Q Did you ever recall later concluding that you</p> <p>6 couldn't fire every mother fucker that you wanted</p> <p>7 to to find out?</p> <p>8 A No. That was a statement that was made out of</p> <p>9 anger, and as soon as it was said, it was over</p> <p>10 with.</p> <p>11 Q Would you agree that you -- that you couldn't</p> <p>12 threaten employees in that manner, that that</p> <p>13 would be creating a hostile work environment?</p> <p>14 A Yeah, I could see that. Yes.</p> <p>15 Q Now, as I understand it, the Town eventually did</p> <p>16 do an investigation into whether you retaliated</p> <p>17 against Burkee by placing items back into his</p> <p>18 personnel file for his memo requesting training</p> <p>19 and due to his lack -- being the only minority</p> <p>20 that didn't get training. Is my understanding</p> <p>21 correct that the Town did an investigation into</p> <p>22 that?</p> <p>23 A That's correct.</p> <p>24 Q Do you have a recollection as to when the Town's</p> <p>25 investigation began into that?</p>
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<p>1 A Oh, yeah, I knew for sure who did it. It was</p> <p>2 just trying to get it confirmed.</p> <p>3 Q On the next day, November 20th, do you recall</p> <p>4 meeting with Willis Abegglen in his office at</p> <p>5 which time Willis told you he would sit down</p> <p>6 because today he was the teacher and you were the</p> <p>7 student, that you could not keep threatening</p> <p>8 people as you were creating a hostile work</p> <p>9 environment?</p> <p>10 A No, I don't remember that.</p> <p>11 Q Do you remember any recollection of Willis</p> <p>12 sitting down with you and explaining to you that</p> <p>13 what you had done to Burkee was creating a</p> <p>14 hostile work environment?</p> <p>15 A No. We had a conversation right after Burkee</p> <p>16 left the office, but, I mean, I don't remember</p> <p>17 anything after that. And that was basically</p> <p>18 about getting him training and that was about it.</p> <p>19 Q Did you think when you told Burkee that you</p> <p>20 wanted to know who did this, listen, I'll fire</p> <p>21 every mother fucker I need to to find out, I'll</p> <p>22 pull everyone on the stand to find out, that that</p> <p>23 was threatening or hostile in any way?</p> <p>24 A That could be taken as threatening.</p> <p>25 Q At any point did you tell Willis Abegglen that</p>	<p>1 A No, I don't.</p> <p>2 Q Do you have a recollection of Willis Abegglen</p> <p>3 being interviewed in that investigation?</p> <p>4 A I believe he was.</p> <p>5 Q Do you recall who was the person that conducted</p> <p>6 that particular investigation?</p> <p>7 A It was Al Levy. He was an attorney for -- had</p> <p>8 been picked by the Town Administrator.</p> <p>9 Q Do you have any understanding as to what it was</p> <p>10 that Willis Abegglen testified to in that</p> <p>11 interview during that investigation?</p> <p>12 A No.</p> <p>13 Q How did that initial investigation conclude by Al</p> <p>14 Levy?</p> <p>15 A I don't remember. I'd have to look at the</p> <p>16 report.</p> <p>17 Q Do you have any idea as to when that</p> <p>18 investigation concluded?</p> <p>19 A I think it only just took a day; I'm not sure.</p> <p>20 Q I'm going to show you what's been marked as</p> <p>21 Exhibit 3 in this case. Can you identify what</p> <p>22 that is?</p> <p>23 A Yeah. A vote of no confidence.</p> <p>24 Q And it's a vote of no confidence into the Chief,</p> <p>25 John Wilson, by the Town of Beloit police union,</p>

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<p>1 correct?</p> <p>2 A That's right, uhm-hum.</p> <p>3 Q Have you ever seen this particular document</p> <p>4 before now?</p> <p>5 A No, I haven't.</p> <p>6 Q When did you first become aware of a vote of no</p> <p>7 confidence into you by the police union?</p> <p>8 A When I was told about it by the Board -- Greg</p> <p>9 Groves that it was coming, a couple of days</p> <p>10 before that, and I had also received an anonymous</p> <p>11 phone call that this was also coming a couple of</p> <p>12 days before it was in the paper. That's when I</p> <p>13 was -- when I read it.</p> <p>14 Q When you learned of a vote of no confidence being</p> <p>15 taken against you, did you take any action?</p> <p>16 A From what I understand, it was already going to</p> <p>17 the papers so there was no action to be able to</p> <p>18 take.</p> <p>19 Q Now, as part of this particular vote of no</p> <p>20 confidence, they indicate that they're presenting</p> <p>21 issues to Administrator Robert Museus on</p> <p>22 December 12, 2008, correct?</p> <p>23 A Correct.</p> <p>24 Q And they also say that this is a current hostile</p> <p>25 work environment, correct?</p>	<p>1 detail of Al Levy's report to the Town regarding</p> <p>2 the investigation of alleged inappropriate</p> <p>3 language used in the police department.</p> <p>4 A Uhm-hum.</p> <p>5 Q And more specifically it's my understanding that</p> <p>6 this is the issue that was raised by the union on</p> <p>7 December 12th, 2008 with Administrator Robert</p> <p>8 Museus. Would you agree with that, that this was</p> <p>9 the issue raised by the union?</p> <p>10 A Yeah.</p> <p>11 Q In fact, the very beginning part of the Al Levy</p> <p>12 report of January 2nd, 2009 to Mr. Museus says</p> <p>13 you've requested an investigation analysis and</p> <p>14 recommendation as to a December 12th, 2008 memo</p> <p>15 with attachment, which is entitled Collective</p> <p>16 concern on behalf of all or majority of the,</p> <p>17 brackets, Teamsters Local 579, brackets, Union's</p> <p>18 members, and claims to be presented based on</p> <p>19 concerns brought forward to the elected union</p> <p>20 stewards, do you see that?</p> <p>21 A Uhm-hum.</p> <p>22 Q It goes on to state, It alleges a number of</p> <p>23 specific instances in which the Chief of Police</p> <p>24 used politically incorrect ethnic labels and</p> <p>25 other non-specific allegations that he frequently</p>
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<p>1 A That's correct.</p> <p>2 Q And they say officers and employees fear</p> <p>3 retaliation by John Wilson due to the presented</p> <p>4 issue, correct?</p> <p>5 A Right.</p> <p>6 Q Did you have any understanding as to what it was</p> <p>7 that the police union's complaints were about you</p> <p>8 in regard to the presented issue?</p> <p>9 A No. No one ever came forward and mentioned</p> <p>10 anything. Like I said, I found out about this</p> <p>11 from a phone call just before it went in the</p> <p>12 paper and when it went into the paper.</p> <p>13 Q When did that phone call occur, do you recall?</p> <p>14 A It was a couple of days prior to the article.</p> <p>15 Q I'm going to show you what's been marked as</p> <p>16 Exhibit 4.</p> <p>17 A Okay.</p> <p>18 Q Can you identify what that document is, for the</p> <p>19 record?</p> <p>20 A It's a Lindner & Marsack letterhead, Attorneys at</p> <p>21 Law, investigation of alleged inappropriate</p> <p>22 language used in the police department.</p> <p>23 Q I'm going to represent to you this is the</p> <p>24 document that the -- it's been produced to me by</p> <p>25 the Town's attorney in this case. That is a</p>	<p>1 used such words in the police department offices.</p> <p>2 Do you see that?</p> <p>3 A Uhm-hum.</p> <p>4 MR. ZALEWSKI: Try to say yes or no.</p> <p>5 THE WITNESS: Yup.</p> <p>6 BY MR. RETTKO:</p> <p>7 Q When -- Have you ever seen this document that's</p> <p>8 been marked as Exhibit 4 prior to today?</p> <p>9 A Yes.</p> <p>10 Q When was the first time you would have seen this?</p> <p>11 A I saw this after the attorney completed the</p> <p>12 investigation; this document.</p> <p>13 Q So you saw this after Levy completed the</p> <p>14 investigation?</p> <p>15 A That's correct, uhm-hum.</p> <p>16 Q So sometime on or after January 2nd?</p> <p>17 A I guess, yeah.</p> <p>18 Q Do you recall if you saw it in January of 2009?</p> <p>19 A I saw it after he got it completed. I would</p> <p>20 guess it would be 2009.</p> <p>21 Q Okay. Some of the words you were alleged to have</p> <p>22 used in the police department offices were</p> <p>23 nigger, sand nigger, spics and towel heads</p> <p>24 according to this report, correct?</p> <p>25 A Uhm-hum.</p>

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<p>1 Q Yes?</p> <p>2 A That's correct.</p> <p>3 Q Now, this investigation that Al Levy conducted</p> <p>4 was the second investigation into your actions in</p> <p>5 less than a two-month period from November 17 to</p> <p>6 January 2nd, 2009, right?</p> <p>7 A I guess, yeah.</p> <p>8 Q And in the second investigation on the</p> <p>9 inappropriate language used in the police</p> <p>10 department, Mary Abegglen was interviewed in that</p> <p>11 investigation, was she not?</p> <p>12 A I don't know if she was or not. I didn't -- I</p> <p>13 didn't have a list of who they talked to.</p> <p>14 Q Did you have any understanding as to what it was</p> <p>15 that Mary Abegglen testified to pursuant -- based</p> <p>16 on your review of this report?</p> <p>17 A No.</p> <p>18 Q Turning to page 3 of the report, which at the</p> <p>19 bottom is Bates stamped 652.</p> <p>20 A Okay.</p> <p>21 Q It's got a section heading, The interviews also</p> <p>22 revealed, correct?</p> <p>23 A Correct.</p> <p>24 Q And under paragraph 1 it states, No officer told</p> <p>25 the Chief he/she was offended by the language.</p>	<p>1 THE WITNESS: No.</p> <p>2 BY MR. RETTKO:</p> <p>3 Q Why not?</p> <p>4 A Contrary with all this going on, I don't harbor</p> <p>5 any ill will toward either one of the Abegglen's.</p> <p>6 I mean, if she made the comments, she made the</p> <p>7 comments.</p> <p>8 Q Turn to Bates stamp page 653, which is page 4 of</p> <p>9 the report. Al Levy in his conclusion indicates</p> <p>10 the Chief voluntarily admitted that he used</p> <p>11 unacceptable and offensive language in the police</p> <p>12 department offices, correct?</p> <p>13 A Right.</p> <p>14 Q Looking up at paragraph 8, sub E, it states,</p> <p>15 Officers said they feared retaliation if they</p> <p>16 spoke out, but the clerical employees indicated</p> <p>17 no such fear and both did so with no significant</p> <p>18 repercussions; do you see that?</p> <p>19 A Where is that at?</p> <p>20 Q In sub E in paragraph 8 above Conclusions as to</p> <p>21 Alleged Facts.</p> <p>22 A Okay. I see it.</p> <p>23 Q Were you aware of the fact that the officers in</p> <p>24 your department feared retaliation from you?</p> <p>25 A No.</p>
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<p>1 However, Ms. Abegglen said she told him she was</p> <p>2 offended in November 2008, correct?</p> <p>3 A Not that I'm aware of.</p> <p>4 Q But that's what it says, right?</p> <p>5 A That's what it says, yeah.</p> <p>6 Q So you were aware of the fact that Ms. Abegglen</p> <p>7 was interviewed in this case, right?</p> <p>8 A Correct.</p> <p>9 Q It goes on in the upper paragraph about the third</p> <p>10 sentence down Detective Luzinski and Ms. Abegglen</p> <p>11 recalled use of the word towel head, does it not?</p> <p>12 A Correct.</p> <p>13 Q And you had the opportunity to read this report</p> <p>14 in January 2009?</p> <p>15 A Correct.</p> <p>16 Q At any point did you ask Mary Abegglen how she</p> <p>17 testified in this investigation?</p> <p>18 A No.</p> <p>19 Q As you sit here today and you see Ms. Abegglen's</p> <p>20 testimony in this particular investigation, are</p> <p>21 you angered by it?</p> <p>22 MR. ZALEWSKI: I'm just going to object</p> <p>23 to the form. I don't think it was formal</p> <p>24 testimony, I think it was just an interview, but</p> <p>25 go ahead and answer.</p>	<p>1 Q Do you have any idea as to why they would feel</p> <p>2 that you might retaliate?</p> <p>3 A No.</p> <p>4 Q Turn to page 655 under the Recommended Action.</p> <p>5 A Go ahead.</p> <p>6 Q Second paragraph.</p> <p>7 A Which one were we reading?</p> <p>8 Q We're on the second paragraph under Recommended</p> <p>9 Action. The one that begins with, The Chief made</p> <p>10 prompt and voluntary acknowledgment of his</p> <p>11 offensive language.</p> <p>12 A Right.</p> <p>13 Q It goes on to state there was no adverse action</p> <p>14 by him on any employee. Do you see that?</p> <p>15 A Uhm-hum. Yes.</p> <p>16 Q So you never used any of your biases in regard to</p> <p>17 the offensive language in retaliation against</p> <p>18 your employees; is that what this is saying</p> <p>19 basically?</p> <p>20 MR. ZALEWSKI: I'm going to object to</p> <p>21 form.</p> <p>22 THE WITNESS: What's your question</p> <p>23 again?</p> <p>24 BY MR. RETTKO:</p> <p>25 Q I'm just asking, or I'm asking you, you never</p>

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<p>1 retaliated against any department member based on</p> <p>2 your biases of race, right?</p> <p>3 A No.</p> <p>4 Q But you did return a citizens complaint back into</p> <p>5 Burkee's personnel file --</p> <p>6 A That was --</p> <p>7 Q -- after you learned of a complaint being made</p> <p>8 that he wasn't receiving training and he was the</p> <p>9 only minority that hadn't, right?</p> <p>10 A That wasn't a citizen's complaint as I said</p> <p>11 earlier, that was action taken against Burkee for</p> <p>12 a violation of one of the amendments, and I don't</p> <p>13 remember which one it is.</p> <p>14 Q The reason you returned it, though, was due to</p> <p>15 the fact that he had made the allegation that he</p> <p>16 hadn't been receiving training and that it was</p> <p>17 based on him being the only minority in the</p> <p>18 department, right?</p> <p>19 A No. That's not true at all.</p> <p>20 Q And we've already seen Exhibit 2 that Burkee has</p> <p>21 explained to Sergeant Dransfield right after this</p> <p>22 occurred that that's what happened as to why that</p> <p>23 complaint was returned to his personnel file,</p> <p>24 right?</p> <p>25 A No.</p>	<p>1 Administrator.</p> <p>2 Q That's directed to you?</p> <p>3 A Yes.</p> <p>4 Q The date of it?</p> <p>5 A January 5th, 2009.</p> <p>6 Q When did you first learn of admonishment by</p> <p>7 Administrator Museus?</p> <p>8 A When he gave it to me on that day.</p> <p>9 Q When he gave it to you, did he have any</p> <p>10 conversation with you?</p> <p>11 A I don't remember verbatim or all of it, just that</p> <p>12 the investigation had been completed, that I was</p> <p>13 receiving this letter and that as far as any</p> <p>14 further complaints, he didn't want to see them</p> <p>15 and that I should improve my conduct with the</p> <p>16 language, which I've done.</p> <p>17 Q Did you have any conversation with him in regard</p> <p>18 to the complaint in general that was originally</p> <p>19 investigated, the allegations of inappropriate</p> <p>20 language and how that came about?</p> <p>21 A Not that I remember.</p> <p>22 Q Prior to the start of this investigation, did you</p> <p>23 have any conversations with Administrator Museus</p> <p>24 about the union's complaints?</p> <p>25 A He had called me in and told me that there had</p>
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<p>1 Q You deny that?</p> <p>2 A Yup.</p> <p>3 Q And you also deny that right after Burkee left</p> <p>4 your office you had told Mary Abegglen about your</p> <p>5 displeasure of Burkee's allegations, correct?</p> <p>6 A No.</p> <p>7 Q Meaning that that didn't occur or that, no --</p> <p>8 What I'm asking is, do you deny telling Mary</p> <p>9 Abegglen about your displeasure right after</p> <p>10 Burkee left your office?</p> <p>11 A Yes. Willie knew that I was upset with him. I</p> <p>12 don't remember having a conversation with Mary</p> <p>13 about it.</p> <p>14 Q You understand that the Town of Beloit Police</p> <p>15 Department has a rule for truthfulness while</p> <p>16 speaking under oath, right?</p> <p>17 A Yup.</p> <p>18 Q Do you want to change any of your answers?</p> <p>19 A No.</p> <p>20 Q Okay. I'm going to show you what's been marked</p> <p>21 as Exhibit 5 in this case. Can you identify what</p> <p>22 this document is for the record?</p> <p>23 A Yes.</p> <p>24 Q What is it?</p> <p>25 A A letter of admonishment from Robert Museus, Town</p>	<p>1 been a complaint and what the basis of it was,</p> <p>2 that he was going to have Al Levy look into it,</p> <p>3 investigate it and then he would get back to me</p> <p>4 with the findings.</p> <p>5 Q At any time -- At that point in time did you tell</p> <p>6 him the complaint was baseless?</p> <p>7 A No.</p> <p>8 Q What did you tell him?</p> <p>9 A I told him that I had made the comments.</p> <p>10 Q What was his response to that?</p> <p>11 A I think he was a little surprised, but I wasn't</p> <p>12 going to lie to him. I told him, yeah, I had</p> <p>13 made the comments.</p> <p>14 Q At that point in time did he indicate to you what</p> <p>15 potential discipline might occur?</p> <p>16 A No. He just said that he was going to have the</p> <p>17 attorney look into it, and talk to the attorney</p> <p>18 and he would get back to me on it.</p> <p>19 Q At any point did you bring up with Administrator</p> <p>20 Museus at that time that you felt that this was</p> <p>21 bogus that the union would be bringing a</p> <p>22 complaint like this?</p> <p>23 A No.</p> <p>24 Q Did you indicate to him who you thought might be</p> <p>25 behind the complaint?</p>

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<p>1 A The union was behind it. That's all we knew.</p> <p>2 Q When you got this letter of admonishment at this</p> <p>3 point, were you convinced the Abegglen's were with</p> <p>4 the union and trying to get you?</p> <p>5 A No.</p> <p>6 Q Did you tell anyone in the department that you</p> <p>7 felt that the Abegglen's were out to get you?</p> <p>8 A No.</p> <p>9 Q Did you tell Administrator Museus that?</p> <p>10 A No.</p> <p>11 Q And at that point Willis Abegglen told you prior</p> <p>12 to that to knock it off in regard to creating</p> <p>13 hostile work environments; do you recall that?</p> <p>14 A No.</p> <p>15 Q You don't recall Mary ever telling you she was</p> <p>16 offended by your use of the word nigger?</p> <p>17 A No.</p> <p>18 Q I'm going to show you what's been marked as</p> <p>19 Exhibit 6 in this case. Can you identify what</p> <p>20 this is for the record?</p> <p>21 A Yeah. This is my memo and apology to the Board</p> <p>22 and to the administrator for my conduct.</p> <p>23 Q Now, this is dated January 3rd, 2009, right?</p> <p>24 A Uhm-hum.</p> <p>25 Q And Administrator Museus's letter of admonishment</p>	<p>1 language?</p> <p>2 A Not that I remember.</p> <p>3 Q At some point after the report was written on</p> <p>4 January 2nd, 2009, do you have any recollection</p> <p>5 of meeting with Mr. Levy in the police</p> <p>6 department?</p> <p>7 A Sure.</p> <p>8 Q Do you recall what the basis of that meeting was</p> <p>9 about?</p> <p>10 A Probably about the investigation.</p> <p>11 Q Do you have any recollection of what it was that</p> <p>12 Mr. Levy told you?</p> <p>13 A No.</p> <p>14 Q Was there any laughing during that meeting?</p> <p>15 MR. ZALEWSKI: Which meeting are we</p> <p>16 referring to?</p> <p>17 MR. RETTKO: With Mr. Levy.</p> <p>18 MR. ZALEWSKI: The one before the Levy</p> <p>19 report?</p> <p>20 MR. RETTKO: After the report came out.</p> <p>21 THE WITNESS: When Mr. Levy is in the</p> <p>22 office, we usually laugh, yes, 'cause he's got</p> <p>23 quite a bag full of stories so, yeah, there</p> <p>24 probably would have been some laughter.</p> <p>25 BY MR. RETTKO:</p>
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<p>1 to you is dated January 5th, 2009, correct?</p> <p>2 A That's correct.</p> <p>3 Q How is it that you were in a position on</p> <p>4 January 3rd, two days before you got your letter</p> <p>5 of admonishment to write a letter or memo</p> <p>6 regarding an apology for your conduct?</p> <p>7 A When I was brought in by Bob, he had already had</p> <p>8 the complaint from the union but was before the</p> <p>9 letter of admonishment, so I typed up a letter of</p> <p>10 apology 'cause I already admitted that I had said</p> <p>11 the words.</p> <p>12 Q And that was the day after Al Levy's report of</p> <p>13 January 2nd was delivered to Mr. Museus?</p> <p>14 A That I don't know.</p> <p>15 Q Did you have any conversation with Al Levy prior</p> <p>16 to January 3rd, 2009 regarding the contents of</p> <p>17 what might be contained in his report of</p> <p>18 January 2nd?</p> <p>19 A Well, he interviewed me. I don't remember what</p> <p>20 day it was on, but he interviewed me, told me</p> <p>21 that he was conducting an investigation and, you</p> <p>22 know, what the basic contexts were, and that was</p> <p>23 about it.</p> <p>24 Q At any point did he tell you that he was going to</p> <p>25 make a finding that you had used inappropriate</p>	<p>1 Q At that point in time did Mr. Levy give you any</p> <p>2 recommendations as to how to handle this</p> <p>3 circumstance going forward?</p> <p>4 A Not that I'm aware of.</p> <p>5 Q Now, when this investigation was being conducted</p> <p>6 prior to January 2nd, 2009, isn't it true that</p> <p>7 you questioned Mary Abegglen about having your</p> <p>8 back?</p> <p>9 A No. Not that I remember.</p> <p>10 Q Do you have any recollection of Mary Abegglen</p> <p>11 telling you that she wouldn't lie for anyone?</p> <p>12 A No.</p> <p>13 Q Now during that investigation that was being</p> <p>14 conducted prior to January 2nd, 2009, did you</p> <p>15 tell any member of the police department that</p> <p>16 Willis and Mary Abegglen were not loyal to you?</p> <p>17 A I didn't know Willie was not loyal until I think</p> <p>18 after this and in the fall I had received a phone</p> <p>19 call saying that Mary was involved with the union</p> <p>20 and trying to make a move to replace the police</p> <p>21 chief.</p> <p>22 Q Do you recall who that, made that call to you?</p> <p>23 A No. The gentleman refused to give me his name.</p> <p>24 Q And you said that you later became aware that</p> <p>25 Willie was not loyal to you. When did you learn</p>

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<p>1 that?</p> <p>2 A That was after all this came down.</p> <p>3 Q How was it that you learned Willie was not loyal</p> <p>4 to you?</p> <p>5 A There was an officer come forward with</p> <p>6 information and was able to give names and</p> <p>7 specifics of what was going on.</p> <p>8 Q What name and specifics did he raise with you?</p> <p>9 A Just that there was a group of officers that</p> <p>10 wanted a new chief. They also wanted Sergeant</p> <p>11 Felger gone and that this was all part of it,</p> <p>12 part of the issue.</p> <p>13 Q Who was the officer that told you that?</p> <p>14 A Daphne Fisher.</p> <p>15 Q Do you have in your recollection of when it was</p> <p>16 you would have assigned Willis Abegglen to</p> <p>17 investigate Sergeant Felger for unauthorized use</p> <p>18 of overtime?</p> <p>19 A I don't remember when it was, no.</p> <p>20 Q It was in January 2009, do you recall that?</p> <p>21 A Okay. I remember -- Yeah, he did handle it. I</p> <p>22 don't remember the date.</p> <p>23 Q Why was it that you authorized Abegglen to</p> <p>24 investigate Sergeant Felger for unauthorized use</p> <p>25 of overtime?</p>	<p>1 Q Around the same time that this investigation into</p> <p>2 Sergeant Felger's unauthorized use of overtime</p> <p>3 was occurring?</p> <p>4 A I think it was just after. Like I said, I don't</p> <p>5 remember the exact date, but it was sometime in</p> <p>6 January.</p> <p>7 Q At any point during your meeting with Sergeant</p> <p>8 Felger, did you talk to him about Willis or Mary</p> <p>9 Abegglen?</p> <p>10 A No.</p> <p>11 Q So in order to find that out, I'll have to talk</p> <p>12 to Sergeant Felger, right?</p> <p>13 A That's correct.</p> <p>14 Q And if you don't recall what you said, you</p> <p>15 realize you don't have any opportunity to dispute</p> <p>16 what he said, right?</p> <p>17 A Right. I mean, I don't remember his name coming</p> <p>18 up. We were concentrating on his explanations</p> <p>19 for the time.</p> <p>20 Q I'm going to show you what's been marked as</p> <p>21 Exhibit 7 in this case. Can you identify what</p> <p>22 this is?</p> <p>23 A This is, looks like a page off of a paper, I</p> <p>24 guess.</p> <p>25 Q It's from the BDN Connection, The Stateline's</p>
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<p>1 A That would have been his job. He's done other</p> <p>2 investigations in the department.</p> <p>3 Q How was it you became aware of Sergeant Felger</p> <p>4 potentially using unauthorized use of overtime?</p> <p>5 A I think -- I don't remember exactly. I think</p> <p>6 there was either a memo or somebody said</p> <p>7 something about it, and I went to Willie and</p> <p>8 Willie looked into it, did a report.</p> <p>9 Q During the course of that investigation, do you</p> <p>10 have a recollection of meeting with Sergeant</p> <p>11 Felger in your office on January 13th, 2009?</p> <p>12 A I had a meeting with him, yeah.</p> <p>13 Q And what was the meeting about?</p> <p>14 A It was to have him explain why -- Willie had</p> <p>15 conducted an investigation that had gone to the</p> <p>16 Board and to the Town Administrator to review</p> <p>17 with several -- town attorney and I believe</p> <p>18 another attorney, and then I was told to sit down</p> <p>19 and have him explain why each one of these times</p> <p>20 were listed and why he put in for the overtime.</p> <p>21 Q Exactly when did your meeting with Daphne Fisher</p> <p>22 occur?</p> <p>23 A Geez, I don't remember. Sometime middle of</p> <p>24 January, end of January, somewhere along in</p> <p>25 there. I don't remember the date.</p>	<p>1 Online Choice. It's a newspaper article titled</p> <p>2 No confidence in chief. It's published Tuesday,</p> <p>3 February 3rd, 2009. And the title says, Township</p> <p>4 officers adopt vote against Wilson.</p> <p>5 A Okay.</p> <p>6 Q So as of February 3rd, 2009, the union's vote of</p> <p>7 no confidence against you had become public; do</p> <p>8 you recall that?</p> <p>9 A Oh, yeah.</p> <p>10 Q What was your reaction when you learned that the</p> <p>11 vote of no confidence was being made public?</p> <p>12 A I learned about it, like I told you earlier, just</p> <p>13 before it was made public. It was one of those</p> <p>14 things if you've been in this job as long as I</p> <p>15 have, it's just -- I've seen this happen a</p> <p>16 thousand times in my career. It was like, well,</p> <p>17 not much I can do about it.</p> <p>18 Q Did you take any actions as a result of this</p> <p>19 matter becoming public?</p> <p>20 A No.</p> <p>21 Q Did you have any conversations with Administrator</p> <p>22 Museus about it?</p> <p>23 A I'm sure we discussed it, but I don't remember</p> <p>24 exactly what was said.</p> <p>25 Q At any time around February 3rd, 2009 did you</p>

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<p>1 have any discussions with Administrator Museus</p> <p>2 about Willis or Mary Abegglen?</p> <p>3 A No.</p> <p>4 Q Prior to this article coming out on February 3rd,</p> <p>5 do you have any recollection of Administrator</p> <p>6 Museus approaching you about a request made by</p> <p>7 Sergeant Dransfield to get overtime on the basis</p> <p>8 that if Sergeant Felger was getting it under</p> <p>9 these circumstances, he should, too?</p> <p>10 A There was a conversation that Dransfield should</p> <p>11 get the overtime. I don't remember exactly, but,</p> <p>12 yeah, I remember something about it.</p> <p>13 Q During that particular meeting did Administrator</p> <p>14 Museus tell you that he was upset by this and</p> <p>15 that he was going to take care of the matter once</p> <p>16 and for all?</p> <p>17 A I don't remember -- I remember him talking about</p> <p>18 it, but I don't remember anything like that.</p> <p>19 Q Why did you tell Willis Abegglen that Museus had</p> <p>20 met with you and was upset by the Dransfield memo</p> <p>21 and that he was going to take care of the matter</p> <p>22 once and for all?</p> <p>23 MR. ZALEWSKI: Objection as to form.</p> <p>24 Assumes facts that may or may not be true. Go</p> <p>25 ahead and answer.</p>	<p>1 Exhibit 8 in this particular case. I'm going to</p> <p>2 identify for you this is a Town of Beloit, it's</p> <p>3 a -- Actually, it's a newspaper article by Ann</p> <p>4 Marie Ames, A-M-E-S, dated Tuesday, February 10,</p> <p>5 2009 in the GazetteXtra.com news. It's entitled</p> <p>6 Town of Beloit investigation racial slurs; do you</p> <p>7 see that?</p> <p>8 A Uhm-hum, yes.</p> <p>9 Q Do you have any recollection of the investigation</p> <p>10 that Al Levy had completed by January 2nd, 2009</p> <p>11 hitting the papers on or around February 10th,</p> <p>12 2009?</p> <p>13 A I remember it was in the papers.</p> <p>14 Q In or around that time did you have any</p> <p>15 discussion with Mr. Museus about deleting the</p> <p>16 Deputy Chief's job?</p> <p>17 A No.</p> <p>18 Q Did you have any discussion with Mr. Museus about</p> <p>19 changing the Court Clerk Police Administrative</p> <p>20 Assistant position?</p> <p>21 A No.</p> <p>22 Q Did you have any input with Mr. Museus in regard</p> <p>23 to deleting the Deputy Chief job?</p> <p>24 A No.</p> <p>25 Q Did you have any input with Mr. Museus in regard</p>
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<p>1 THE WITNESS: I'm just trying -- I may</p> <p>2 have -- Well, and I may have had a comment about</p> <p>3 Dransfield bringing a letter in, but as far as</p> <p>4 Museus being upset, I don't remember.</p> <p>5 BY MR. RETTKO:</p> <p>6 Q Did you ever tell Willis Abegglen that Museus was</p> <p>7 going to take care of the matter once and for</p> <p>8 all?</p> <p>9 A Not that I remember.</p> <p>10 Q Around the end of January, early February 2009,</p> <p>11 did Administrator Museus ask you for Mary</p> <p>12 Abegglen's job description?</p> <p>13 A He might have.</p> <p>14 Q When you say might have --</p> <p>15 A I don't remember, but if he had, I would have</p> <p>16 given it to him.</p> <p>17 Q If he would have asked for her job description at</p> <p>18 that time, do you have any recollection of why it</p> <p>19 was he would be asking for it?</p> <p>20 A No.</p> <p>21 Q Did you have any conversations with Mr. Museus</p> <p>22 about Mary Abegglen's job and what she did in or</p> <p>23 around the end of January or early February 2009?</p> <p>24 A No.</p> <p>25 Q I'm going to show you what's been marked as</p>	<p>1 to changing the Court Clerk or Police</p> <p>2 Administrative Assistant's job?</p> <p>3 A At that time?</p> <p>4 Q Yeah.</p> <p>5 A No.</p> <p>6 Q Did you have any input with the Town Board in</p> <p>7 regard to deleting the Deputy Chief's job around</p> <p>8 this time, February 10th, 2009?</p> <p>9 A No.</p> <p>10 Q Did you have any input with the Town Board in</p> <p>11 changing the Court Clerk Police Administrative</p> <p>12 Assistant position on or before February 10th,</p> <p>13 2009?</p> <p>14 A No.</p> <p>15 Q I'm going to show you what I've got marked as</p> <p>16 Exhibit 9. Can you identify -- It's a four-page</p> <p>17 document. Can you identify what this document</p> <p>18 generally is?</p> <p>19 A It's the agenda for a meeting on February 16th.</p> <p>20 Q Of 2009?</p> <p>21 A That's correct.</p> <p>22 Q By the Town of Beloit Board of Supervisors?</p> <p>23 A Correct.</p> <p>24 Q Okay. And the second page of the document is</p> <p>25 what exactly?</p>

14 (Pages 50 to 53)

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<p>1 A Let's see. A resolution directing a</p> <p>2 reorganization of the functions, tasks, personnel</p> <p>3 of the Town of Beloit and a new organizational</p> <p>4 chart.</p> <p>5 Q And it's adopted February 16th, 2009 and signed</p> <p>6 and dated the 17th of February, 2009, correct?</p> <p>7 A That's correct.</p> <p>8 Q And the third page of the Exhibit 9 is what</p> <p>9 exactly?</p> <p>10 A Resolution approving certain job descriptions for</p> <p>11 the Town of Beloit.</p> <p>12 Q And again, that's also adopted February 16th but</p> <p>13 signed and dated February 17th, right?</p> <p>14 A Correct.</p> <p>15 Q And the fourth page of Exhibit 9 is what exactly?</p> <p>16 A A Town of Beloit organizational chart.</p> <p>17 Q And that's going to be dated April 1st, 2009?</p> <p>18 A Dated when? Oh, I see. April 1st, okay. I see</p> <p>19 it, yeah.</p> <p>20 Q So this is what the resolutions were changing the</p> <p>21 organizational chart to be as of April 1st?</p> <p>22 A Correct.</p> <p>23 Q Prior to February 16th, 2009, did you have any</p> <p>24 input with Mr. Museus in regard to the changes in</p> <p>25 deleting the Deputy Chief position?</p>	<p>1 A You mean her total duties?</p> <p>2 Q In regard to Municipal Court Clerk.</p> <p>3 A Oh, Court Clerk?</p> <p>4 Q Uhm-hum.</p> <p>5 A In 2007 she had other duties other than just</p> <p>6 Court Clerk.</p> <p>7 Q Okay. What other duties did she have that would</p> <p>8 not be listed on this document?</p> <p>9 A She was also the records clerk.</p> <p>10 Q And was that a 40-hour a week job?</p> <p>11 A The two of them were, yes.</p> <p>12 (Exhibit 20 was marked.)</p> <p>13 BY MR. RETTKO:</p> <p>14 Q I'm a little bit out of order here, but I'm going</p> <p>15 to show you what's been marked as Exhibit 20 in</p> <p>16 this case. Can you identify Exhibit 20 for the</p> <p>17 record?</p> <p>18 A Administrative Assistant.</p> <p>19 Q It's a job description for the Administrative</p> <p>20 Assistant, is that with the police department?</p> <p>21 A Yeah.</p> <p>22 Q And this is revised in February 2009, correct?</p> <p>23 A That's correct.</p> <p>24 Q Would these have been the other portion of Mary</p> <p>25 Abegglen's job duties as Court Clerk</p>
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<p>1 A No.</p> <p>2 Q Did you have any discussions with Mr. Museus in</p> <p>3 regard to the changes in the Court Clerk Police</p> <p>4 Administrative Assistant position?</p> <p>5 A No.</p> <p>6 Q Did you have any discussion with Mr. Museus prior</p> <p>7 to February 16th, 2009 in regard to the Abegglen's</p> <p>8 no longer being loyal to you?</p> <p>9 A No.</p> <p>10 Q Did you ever meet with the Town Board about the</p> <p>11 change in the Deputy Chief position?</p> <p>12 A No.</p> <p>13 Q Did you ever meet with the Town Board in regard</p> <p>14 to the modification of the Court Clerk Police</p> <p>15 Administrative Assistant position?</p> <p>16 A No.</p> <p>17 Q I show you what's been marked as Exhibit 10. Can</p> <p>18 you identify this document for the record?</p> <p>19 A It says it's the duties of the Municipal Court</p> <p>20 Clerk.</p> <p>21 Q And the lower left-hand corner is the year 2007</p> <p>22 on all three pages, correct?</p> <p>23 A Correct.</p> <p>24 Q Would these have been the duties of the Court</p> <p>25 Clerk prior to February 16th, 2009?</p>	<p>1 Administrative Assistant with the police</p> <p>2 department that are not shown on Exhibit 10,</p> <p>3 which is this one?</p> <p>4 A This one shows as a Court Clerk. This one would</p> <p>5 have been -- her other side of the job, was,</p> <p>6 yeah, part of these jobs here.</p> <p>7 Q So Exhibit 20 is the other -- the other part of</p> <p>8 her jobs?</p> <p>9 A Yeah. There are some of the jobs here that she</p> <p>10 would have done as Records Clerk, and</p> <p>11 Administrative Assistant would have been weak,</p> <p>12 but she still did do some of those jobs. I mean,</p> <p>13 she did type some letters and she did handle some</p> <p>14 personal stuff like that, yes.</p> <p>15 Q Did you have any input with the Town of Beloit in</p> <p>16 creating this job description for the</p> <p>17 Administrative Assistant?</p> <p>18 A No, I did not.</p> <p>19 Q Was it a surprise to you that the Town of Beloit</p> <p>20 had changed the Court Clerk Police Administrative</p> <p>21 Assistant position in February 2009?</p> <p>22 A Yes, it was.</p> <p>23 Q Why do you say that?</p> <p>24 A I was called into Bob's office that he was</p> <p>25 looking at reorganizing. This was a couple of</p>

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<p>1 days before it went into effect. I was under</p> <p>2 orders not to talk about it, that the job</p> <p>3 description and everything had been finalized. I</p> <p>4 said okay. Bob's been looking at reorganizing</p> <p>5 almost every branch of government within the</p> <p>6 department. He started years ago with the fire</p> <p>7 department and went to the public works</p> <p>8 department. And I know that for years he tried</p> <p>9 to move Mary's position out of Town Hall because</p> <p>10 of -- I don't want to say -- but the way it</p> <p>11 looked to the public, that the Court Clerk was in</p> <p>12 the police department and, of course, it could</p> <p>13 never get done because there was no place to put</p> <p>14 her. She was also doing records work at the same</p> <p>15 time.</p> <p>16 Q Was there any discussion of budget issues at that</p> <p>17 time as to why this reorganization was occurring</p> <p>18 with the Court Clerk Police Administrative</p> <p>19 Assistant position?</p> <p>20 A Not that I'm aware of, no.</p> <p>21 Q Was there any other issue that you haven't</p> <p>22 described that might have been raised during that</p> <p>23 conversation?</p> <p>24 A Just that this reorganization was going to save</p> <p>25 the Town quite a bit of money, I don't remember</p>	<p>1 A Yes, sir.</p> <p>2 Q How much did that cost the department, do you</p> <p>3 recall?</p> <p>4 A I think the pay is ten dollars and some odd cents</p> <p>5 an hour.</p> <p>6 Q How much did that save the Town of Beloit, do you</p> <p>7 recall?</p> <p>8 A No, I don't.</p> <p>9 Q Do you recall if there was any savings?</p> <p>10 A There was a savings total that I was told by the</p> <p>11 Town Administrator.</p> <p>12 Q You're in charge of the police department's</p> <p>13 budget, correct?</p> <p>14 A That's correct.</p> <p>15 Q How much savings was this move to the police</p> <p>16 department based on your budget do you recall?</p> <p>17 A No, I don't.</p> <p>18 Q Was there any savings?</p> <p>19 A Yeah. There would have been savings in payroll.</p> <p>20 Q How much?</p> <p>21 A Again, I don't know. I would have to look at the</p> <p>22 figures.</p> <p>23 Q How do you have that recollection?</p> <p>24 A I'm sorry?</p> <p>25 Q How do you have the recollection there was a</p>
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<p>1 the exact dollar figure, and that it was going to</p> <p>2 streamline the police department and at the same</p> <p>3 time address the issue that, which now has come</p> <p>4 to pass, that the Court Clerk can't be in the</p> <p>5 police department. And that bill I believe goes</p> <p>6 into effect in January.</p> <p>7 Q Of this coming year?</p> <p>8 A That's correct, sir, uh-hum.</p> <p>9 Q How much money was this change in the Court Clerk</p> <p>10 Police Administrative Assistant position going to</p> <p>11 save the city -- or the town?</p> <p>12 A I don't know. Mr. Museus may have mentioned it,</p> <p>13 but I don't remember it.</p> <p>14 Q Did any of Mary Abegglen's salary come out of the</p> <p>15 police department's budget?</p> <p>16 A As Records Clerk, I would assume, yeah, because,</p> <p>17 I mean, there were -- she was a part-time Court</p> <p>18 Clerk and she was a part-time Records Clerk so,</p> <p>19 yeah, the Records Clerk portion would come out of</p> <p>20 the PD.</p> <p>21 Q Was your budget cut in February 2009?</p> <p>22 A I'm trying to remember. I don't know if it was</p> <p>23 or not, to be honest with you.</p> <p>24 Q Do you recall hiring an Administrative Assistant</p> <p>25 to fill this position?</p>	<p>1 savings?</p> <p>2 A I was told by the Town Administrator that the</p> <p>3 move was significant savings.</p> <p>4 Q Okay. I'm going to show you what's been marked</p> <p>5 as Exhibit 11. The Town of Beloit Job</p> <p>6 Description Police Sergeant revised March 2009.</p> <p>7 Do you have a recollection of whether or not this</p> <p>8 is the job description for the Sergeant's</p> <p>9 position that Willis Abegglen would have filled</p> <p>10 after his demotion from Deputy Chief?</p> <p>11 A Yeah. This is a Police Sergeant job description,</p> <p>12 correct.</p> <p>13 Q Do you recall if this was for Sergeant Willis</p> <p>14 Abegglen?</p> <p>15 A This was for all sergeants. It's a job</p> <p>16 description for Police Sergeant.</p> <p>17 Q Did you have any input in making this Police</p> <p>18 Sergeant job description that's been marked as</p> <p>19 Exhibit 11?</p> <p>20 A Probably years ago. I mean, we have updated the</p> <p>21 job description over the years.</p> <p>22 Q I'm going to show you what's been marked as</p> <p>23 Exhibit 12. Unfortunately, my stapling job is</p> <p>24 not the greatest. The last page isn't stapled</p> <p>25 but it should be.</p>

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<p>1 A That's fine.</p> <p>2 Q It's a three-page document and the last page has</p> <p>3 minimum qualifications, approved Town</p> <p>4 Administrator and a dateline but they're not</p> <p>5 completed.</p> <p>6 A Okay.</p> <p>7 Q Can you just identify what this document is for</p> <p>8 the record?</p> <p>9 A It's a Police Sergeant Job Description.</p> <p>10 Q Do you have any recollection of whether or not</p> <p>11 this job description was in effect as of</p> <p>12 March 2009 at the same time that the job</p> <p>13 description for Exhibit 11 would have been in</p> <p>14 place?</p> <p>15 A You mean was this one in place first before this</p> <p>16 one?</p> <p>17 Q Or were they in place at the same time?</p> <p>18 A I don't know. This one isn't dated, so I'm</p> <p>19 assuming that this one was in place first.</p> <p>20 MR. ZALEWSKI: He's pointing at</p> <p>21 Exhibit 12.</p> <p>22 THE WITNESS: I'm sorry.</p> <p>23 BY MR. RETTKO:</p> <p>24 Q Okay.</p> <p>25 A Exhibit 12 I'm assuming was in place before</p>	<p>1 indicated that statute is going into effect</p> <p>2 January 2011?</p> <p>3 A I believe so, yes.</p> <p>4 Q You were aware that that was coming down the pipe</p> <p>5 in February 2009?</p> <p>6 A There had been rumors off and on, but nobody</p> <p>7 ever -- I mean, it wasn't ever written in</p> <p>8 concrete. Just like rumors are with anything</p> <p>9 within the court system.</p> <p>10 Q How much money did the cutting of the Deputy</p> <p>11 Chief's position save the Town of Beloit police's</p> <p>12 budget?</p> <p>13 A I don't recollect. I don't know.</p> <p>14 Q In fact, Willis Abegglen took a Sergeant's</p> <p>15 position, correct?</p> <p>16 A Right.</p> <p>17 Q How much difference in pay was the Deputy Chief's</p> <p>18 position to the Sergeant's position, do you</p> <p>19 recall?</p> <p>20 A Probably -- I can only take a guess. Probably</p> <p>21 four dollars an hour, five dollars an hour.</p> <p>22 That's just a guess.</p> <p>23 Q As I recall, the police department had to hire a</p> <p>24 civilian to handle the administrative duties the</p> <p>25 Deputy Chief had once done; is that correct?</p>
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<p>1 Exhibit 11.</p> <p>2 Q Okay. Now it looks like these job changes were</p> <p>3 voted on and passed by the Town Board on</p> <p>4 February 17, 2009. Do you have a recollection of</p> <p>5 a conversation you had with Willis Abegglen on</p> <p>6 February 20th, 2009 in which you told him that</p> <p>7 Greg Groves and Bob Museus were behind the</p> <p>8 elimination of the Deputy Chief's position?</p> <p>9 A There was a conversation in regards to that the</p> <p>10 Deputy Chief's position along with Mary's</p> <p>11 position were being reassigned and moved.</p> <p>12 Q Were you in agreement with the changes that the</p> <p>13 town had made to the Deputy Chief's position and</p> <p>14 the Court Clerk Administrative Assistant</p> <p>15 position?</p> <p>16 A I was -- When I was first told about it, I was</p> <p>17 surprised, but then it's like everything else, as</p> <p>18 a department head, you have to follow orders, and</p> <p>19 this was going to save some money, it took care</p> <p>20 of the issue that was coming with the Court Clerk</p> <p>21 in the PD. And I've been doing this job long</p> <p>22 enough that when there's a reorganization of any</p> <p>23 kind, you just -- you go with it.</p> <p>24 Q Now, the issue regarding the Court Clerk being</p> <p>25 positioned in the police department, you</p>	<p>1 A No.</p> <p>2 Q There was a new hire, though, to replace the</p> <p>3 Deputy Chief, right?</p> <p>4 A There was a contracted employee to help do,</p> <p>5 primarily start out with the general orders that</p> <p>6 we were completely re-doing.</p> <p>7 Q How much did this generally -- how much was the</p> <p>8 contracted employee paid?</p> <p>9 A I think like 10 bucks an hour or something like</p> <p>10 that. I don't know exactly what they were paid,</p> <p>11 but I think that was it.</p> <p>12 Q So, in essence, the police department was about</p> <p>13 five dollars an hour paying more than what they</p> <p>14 would have had they just kept Deputy Chief</p> <p>15 Abegglen in the Deputy Chief position?</p> <p>16 A Well, she only worked part time and also there</p> <p>17 were no benefits paid.</p> <p>18 MR. ZALEWSKI: I think you two aren't</p> <p>19 tracking completely. I think he's talking about</p> <p>20 Deputy Chief and you're talking about the Clerk</p> <p>21 job, but you might want to clarify it, Bill.</p> <p>22 BY MR. RETTKO:</p> <p>23 Q Did you have an understanding that when I was</p> <p>24 talking about filling the Deputy Chief's</p> <p>25 position, the administrative duties and you</p>

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<p>1 brought up the contracted employee, we were</p> <p>2 talking about the same thing, were we not?</p> <p>3 A I assumed that's what you were talking about.</p> <p>4 Q Yes. And she was getting paid ten dollars an</p> <p>5 hour about?</p> <p>6 A I believe so.</p> <p>7 Q What was her part-time work? How many hours did</p> <p>8 she put in, do you recall?</p> <p>9 A No, I don't. Sometimes she would come in a day,</p> <p>10 day and a half and there would be times that she</p> <p>11 wouldn't show up for a couple of weeks. It</p> <p>12 wasn't a set schedule.</p> <p>13 Q Do you recall how much you eventually paid this</p> <p>14 person?</p> <p>15 A No, I don't.</p> <p>16 Q What's the name of this contracted person?</p> <p>17 A Laura Palmer.</p> <p>18 Q Is Laura Palmer currently employed by the Town of</p> <p>19 Beloit Police Department?</p> <p>20 A Yeah, currently she is.</p> <p>21 Q When did she become employed by the Town of</p> <p>22 Beloit Police Department?</p> <p>23 A A month ago.</p> <p>24 Q What was her position that she was hired in at?</p> <p>25 A Desk sergeant.</p>	<p>1 Q That's okay.</p> <p>2 (The last question was read.)</p> <p>3 THE WITNESS: Okay, I got it. They may</p> <p>4 have thought that maybe he might -- loses his</p> <p>5 temper.</p> <p>6 BY MR. RETTKO:</p> <p>7 Q When you think they may have thought, who are you</p> <p>8 referring to?</p> <p>9 A Mr. Museus, Mr. Groves.</p> <p>10 Q Did you have any conversations with Mr. Museus or</p> <p>11 Mr. Groves prior to their meeting with Mr. --</p> <p>12 with Willis Abegglen about how to handle Willis</p> <p>13 Abegglen?</p> <p>14 A No. Just that he was -- that they were going to</p> <p>15 call him in, and he can get loud and then -- that</p> <p>16 was pretty much it. I mean, you're demoting a</p> <p>17 person.</p> <p>18 Q Did you recommend that they have a Rock County</p> <p>19 sheriff's deputy squad stationed near the Town</p> <p>20 Hall when they broke that news to him?</p> <p>21 A They asked my opinion. I said well, that's an</p> <p>22 opinion that you're going to have to make. He</p> <p>23 can get loud, get boisterous.</p> <p>24 Q Is there a reason why they didn't have you in</p> <p>25 that meeting?</p>
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<p>1 Q How many sergeants does the Town of Beloit Police</p> <p>2 Department currently have?</p> <p>3 A Three.</p> <p>4 Q In that conversation in which you were describing</p> <p>5 to Willis Abegglen that you had nothing to do</p> <p>6 with the elimination of his job or of the Court</p> <p>7 Clerk's position being modified, did you also</p> <p>8 agree with him that he was not a violent person?</p> <p>9 A I've seen him lose his temper, but he's not a</p> <p>10 violent person in the sense that you've got to</p> <p>11 worry about him ripping your head off or</p> <p>12 something, but, I mean, Willie can be an</p> <p>13 intimidating person. I mean, he's got size to</p> <p>14 him. He can be a little loud like we both can.</p> <p>15 We're both probably old school.</p> <p>16 Q Did you have a conversation with him in regard to</p> <p>17 why it was a Rock County sheriff's deputy squad</p> <p>18 was stationed next to the Town Hall when</p> <p>19 Administrator Museus and Greg Groves met with</p> <p>20 Willis Abegglen to inform him that he had the</p> <p>21 opportunity to accept retirement or be demoted to</p> <p>22 sergeant?</p> <p>23 A What's the first part of it again?</p> <p>24 Q We'll have that read back.</p> <p>25 A I'm sorry.</p>	<p>1 A I don't know.</p> <p>2 Q Did you ask --</p> <p>3 A No.</p> <p>4 Q -- shouldn't I be part of this meeting?</p> <p>5 A No.</p> <p>6 Q Why not?</p> <p>7 A I was told that they were going to have the</p> <p>8 meeting and they were going to break the news to</p> <p>9 him and that was it.</p> <p>10 Q In fact, you were in Madison when this meeting</p> <p>11 occurred, correct? The meeting between</p> <p>12 Mr. Museus, Mr. Groves and Mr. Abegglen.</p> <p>13 A I might have been.</p> <p>14 Q I show you what's been marked as Exhibit 13. I'm</p> <p>15 going to identify for you this is a memo that</p> <p>16 Willis Abegglen would have put together after he</p> <p>17 met with you on February 20th, 2009. Can I have</p> <p>18 you read this and tell me if you have any</p> <p>19 disagreement with any statement made in this</p> <p>20 particular memo by Willis Abegglen? And if so,</p> <p>21 what your disagreements might be with those</p> <p>22 statements.</p> <p>23 A Okay.</p> <p>24 Q Do you have any disagreements with anything</p> <p>25 Mr. Abegglen says in this statement?</p>

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<p>1 A It's fairly accurate, yeah.</p> <p>2 Q It indicates in here that you had told Willis</p> <p>3 that you had been fighting for him the entire</p> <p>4 time seems to imply that you and Mr. Museus had</p> <p>5 conversations about the elimination of this job.</p> <p>6 A We had one conversation roughly when this all</p> <p>7 came down when I was told he was being demoted</p> <p>8 and it was a cost saving factor, and I was</p> <p>9 shocked at first and said, well, I didn't agree</p> <p>10 with it, but when Bob started saying what the</p> <p>11 figures were and how we would save money, we were</p> <p>12 starting to lose revenue, okay. The question is</p> <p>13 done, it's over with.</p> <p>14 Q But yet you don't know how much money that</p> <p>15 actually did save?</p> <p>16 A Bob mentioned it, but at the time there was a lot</p> <p>17 going on, so I don't remember.</p> <p>18 Q I'm going to show you what's been marked as</p> <p>19 Exhibit 14. Can you identify Exhibit 14 for the</p> <p>20 record?</p> <p>21 A It's a memo to Bob February 27th, 2009.</p> <p>22 Q I'm going to also represent for you that this is</p> <p>23 Willis Abegglen's response to Bob Museus</p> <p>24 regarding the offer of retiring versus taking a</p> <p>25 Sergeant's position. Would you agree with that?</p>	<p>1 A This appears to be a memo from Mr. Museus to</p> <p>2 Willie Abegglen.</p> <p>3 Q And the date of it?</p> <p>4 A March 17th.</p> <p>5 Q Of 2009, right?</p> <p>6 A Correct, uhm-hum.</p> <p>7 Q And it's in regard to the reorganization of the</p> <p>8 Town of Beloit and more particular with when his</p> <p>9 job duties as Deputy Chief were going to change</p> <p>10 to Sergeant, correct?</p> <p>11 A The first one's about an organizational chart and</p> <p>12 then the second sentence is about his job duties.</p> <p>13 Q And that they were going to change effective</p> <p>14 April 13th, right?</p> <p>15 A Correct.</p> <p>16 Q When did you become aware of the fact that Deputy</p> <p>17 Chief Abegglen was going to become Sergeant</p> <p>18 Abegglen as of April 13th, 2009?</p> <p>19 A Well, like I said earlier, when Bob had advised</p> <p>20 me that Willie was going to step down to</p> <p>21 Sergeant. I guess that would have been, I don't</p> <p>22 know, back here somewhere. I guess prior to,</p> <p>23 maybe a day or two before this, I'm just</p> <p>24 guessing.</p> <p>25 Q What input did you have with Mr. Museus that</p>
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<p>1 A That's what it says.</p> <p>2 Q When did you become aware of the fact that Willis</p> <p>3 Abegglen was not going to retire as Deputy Chief</p> <p>4 but would be accepting the Sergeant's position</p> <p>5 under duress?</p> <p>6 A I think it was, I don't know, a day or two after</p> <p>7 he had his meeting.</p> <p>8 Q How did you become aware of it?</p> <p>9 A Mr. Museus advised me.</p> <p>10 Q Was there any discussion between you and</p> <p>11 Mr. Museus about Willis Abegglen staying around</p> <p>12 as a Sergeant?</p> <p>13 A No. Just that he hadn't retired and that he was</p> <p>14 going to assume the position of a Sergeant. And</p> <p>15 then I think Bob wanted to know what shift he</p> <p>16 would go on. And I said, well, afternoons,</p> <p>17 'cause he had always liked working that.</p> <p>18 Q Was there any discussion by Mr. Museus with you</p> <p>19 that he had wished Mr. Abegglen would have just</p> <p>20 retired?</p> <p>21 A Not that I recall. It was a pretty short</p> <p>22 meeting, just that Willie was staying.</p> <p>23 Q The next document I'm going to show you has been</p> <p>24 marked as Exhibit 15. Can you identify</p> <p>25 Exhibit 15 for the record?</p>	<p>1 April 13th, 2009 was the appropriate date to make</p> <p>2 this change?</p> <p>3 A I don't know. I guess maybe we just picked a day</p> <p>4 as to when we were going to transfer him down</p> <p>5 into Sergeant.</p> <p>6 Q I'm going to show you what's been marked as</p> <p>7 Exhibit 16 in this case. Can you identify what</p> <p>8 Exhibit 16 is for the record?</p> <p>9 A Re-organize of the Town of Beloit March 17th,</p> <p>10 2009 from Mr. Museus to Mary Abegglen.</p> <p>11 Q And, again, this is an indication that her</p> <p>12 position is changing effective April 13th,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q Did you have any input with Mr. Museus as to</p> <p>16 picking the date as to when those duties were</p> <p>17 going to change?</p> <p>18 A I don't remember, but there's -- I mean, if it</p> <p>19 had have, it would have just been that this is</p> <p>20 what her job duties are and her hours are going</p> <p>21 to be cut back.</p> <p>22 Q Did you have any input in regard to her hours</p> <p>23 being cut back to 30 hours per week from 40 hours</p> <p>24 per week?</p> <p>25 A No. But I was advised they were going to be cut</p>

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<p>1 back.</p> <p>2 Q When this change occurred and Mary Abegglen was</p> <p>3 being moved to just strictly Court Clerk, were</p> <p>4 you going to remain her supervisor?</p> <p>5 A Well, I really hadn't discussed it. It would be</p> <p>6 if she went to Court Clerk, she would be back</p> <p>7 under the mantle of the judge at this point, but</p> <p>8 I guess by going to this, like what she is now,</p> <p>9 Judge Holland is her boss.</p> <p>10 Q Okay. In or around December of 2009, which is</p> <p>11 later in the year, like nine months later, or</p> <p>12 around that time, did you tell David Garetson,</p> <p>13 G-A-R-E-T-S-O-N, that I'm going to get that son</p> <p>14 of a bitch, and referring to Willis Abegglen?</p> <p>15 A I don't remember the date, or the time, or</p> <p>16 anything like that, but I'm not going to say I</p> <p>17 didn't say it, I don't remember. Garetson had no</p> <p>18 love for Willie whatsoever, so, I mean, he was on</p> <p>19 more than one occasions putting his spin out</p> <p>20 there on different things.</p> <p>21 Q I'm going to show you what's been marked as</p> <p>22 Exhibit 17 in this case. Can you identify</p> <p>23 Exhibit 17 for the record?</p> <p>24 A This is a memo put out by me to All Sworn</p> <p>25 Personnel in a department rule November 10, 2009.</p>	<p>1 A Daphne Fisher.</p> <p>2 Q Who did she explain was behind this job action?</p> <p>3 A Just that the union was doing a work slow-down.</p> <p>4 Q Did she explain when that decision was made?</p> <p>5 A No.</p> <p>6 Q Did she -- Were you able to verify that?</p> <p>7 A All you had to do is look at the figures and you</p> <p>8 could see they were down.</p> <p>9 Q Now, you indicate that there's some, the second</p> <p>10 paragraph, distractions between off duty officers</p> <p>11 interacting with on duty persons, correct?</p> <p>12 A That's correct.</p> <p>13 Q What information did you have that these</p> <p>14 distractions were occurring?</p> <p>15 A We had two instances where Janelle Jurkiewicz was</p> <p>16 doing evidence work and Chris Luzinski came in</p> <p>17 and one day spent almost seven hours off duty</p> <p>18 sitting in the back talking to her. And I</p> <p>19 believe the second one it was Waldinger and</p> <p>20 Janelle were working, one or -- one of them was</p> <p>21 on overtime and Chris come in for a short period</p> <p>22 of time.</p> <p>23 Q So there was two instances where Luzinski was off</p> <p>24 duty talking to on duty officers?</p> <p>25 A Correct.</p>
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<p>1 Q Do you have any recollection of what the new</p> <p>2 department rule was?</p> <p>3 A Yeah.</p> <p>4 Q What is it?</p> <p>5 A It's where officers are not allowed to be on the</p> <p>6 department premise 15 minutes prior to the</p> <p>7 beginning of their shift or later than 15 minutes</p> <p>8 after their shift and they can't be in when</p> <p>9 they're off duty.</p> <p>10 Q I also notice at the beginning part of this memo</p> <p>11 you talk about citations being down from 2006 and</p> <p>12 2007, correct?</p> <p>13 A That's correct.</p> <p>14 Q Why in your opinion were citations down from that</p> <p>15 time period 2006 and 2007 till the time you wrote</p> <p>16 this memo?</p> <p>17 A They weren't down in 2006-2007.</p> <p>18 Q But they were higher --</p> <p>19 A They started to go down in 2009.</p> <p>20 Q Why, in your opinion, did they start going down</p> <p>21 in 2009?</p> <p>22 A Because of the dissension and we were also told</p> <p>23 later that there was a job action against the</p> <p>24 department.</p> <p>25 Q Who told you that?</p>	<p>1 Q Did they complain to you about that?</p> <p>2 A No, they didn't.</p> <p>3 Q How did you learn of it?</p> <p>4 A I saw it.</p> <p>5 Q You observed it?</p> <p>6 A That's correct, uhm-hum.</p> <p>7 Q Did you do anything about it when you observed</p> <p>8 it?</p> <p>9 A Well, it was one of those things that with the</p> <p>10 tension going on in the department, I would</p> <p>11 contact our attorney that was handling the</p> <p>12 problems and run it by him, see what he</p> <p>13 suggested, and this is the memo that he had us</p> <p>14 put out.</p> <p>15 Q So this was Jim Korom's memo?</p> <p>16 A That's correct.</p> <p>17 Q Going back to that time in February 2009 when the</p> <p>18 Deputy Chief's position was deleted, how did the</p> <p>19 administrative functions of that job get</p> <p>20 performed?</p> <p>21 A After he was gone as deputy?</p> <p>22 Q Right.</p> <p>23 A I did them. Felger and I split them.</p> <p>24 Q When you say Felger and you split them?</p> <p>25 A Sergeant Felger.</p>

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<p>1 Q Sergeant Felger?</p> <p>2 A Yeah.</p> <p>3 Q In or around that time period of November 2009,</p> <p>4 did you tell anyone that you had been given the</p> <p>5 100 percent backing of the Town Board to fire</p> <p>6 Willis Abegglen?</p> <p>7 A No.</p> <p>8 Q Did you tell anyone that you had had 100 percent</p> <p>9 backing of the Town Board to fire Mary Abegglen?</p> <p>10 A No.</p> <p>11 Q Do you know who Al Cass is?</p> <p>12 A Yeah.</p> <p>13 Q Who is he?</p> <p>14 A He is a part-time officer for us and a full time</p> <p>15 fireman.</p> <p>16 Q Was there any police officer that got laid off</p> <p>17 when Willis Abegglen was demoted from Deputy</p> <p>18 Chief to Sergeant?</p> <p>19 A No. We didn't lay anybody off until last year</p> <p>20 and we laid three officers off.</p> <p>21 Q Okay. Last year, 2010 or 2000 --</p> <p>22 A It would have been December of last year.</p> <p>23 Q December of 2009?</p> <p>24 A Right. And the way it worked was one officer --</p> <p>25 two officers got laid off and then another</p>	<p>1 still doing Records Clerk and she was still doing</p> <p>2 Court Clerk, I think.</p> <p>3 Q And at some point there was another person hired,</p> <p>4 correct?</p> <p>5 A For --</p> <p>6 Q For that Administrative Assistant position in the</p> <p>7 police department.</p> <p>8 A Right, that's correct, and then she took over the</p> <p>9 administrative and some of the record keeping</p> <p>10 stuff that Mary used to do.</p> <p>11 Q Have you received any pay raises since</p> <p>12 January 1st, 2009?</p> <p>13 A No.</p> <p>14 Q Did you ever tell anyone going into the summer of</p> <p>15 2009 you were going to terminate Willis and Mary</p> <p>16 Abegglen by the end of the summer or you would</p> <p>17 retire?</p> <p>18 A Nope. I don't have the authority to terminate</p> <p>19 either one of them.</p> <p>20 Q I'll show you what's been marked as Exhibit 18.</p> <p>21 Can you identify that for the record?</p> <p>22 A It's a letter, February 24th, 2010, retirement</p> <p>23 from Willie Abegglen to Mr. Museus.</p> <p>24 Q So that's the date that Willis Abegglen</p> <p>25 officially retired from the Town of Beloit Police</p>
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<p>1 officer got laid off a month later.</p> <p>2 Q Who were the two officers that got laid off in</p> <p>3 December 2009, do you recall?</p> <p>4 A It would have been Decker and Fisher and then a</p> <p>5 month later I believe Waldinger got laid off.</p> <p>6 Q When you say Fisher, that's Daphne Fisher?</p> <p>7 A That's correct.</p> <p>8 Q Was she a junior police officer at that time, one</p> <p>9 of the junior officers?</p> <p>10 A That's correct.</p> <p>11 Q And Waldinger would have been like third junior?</p> <p>12 If Decker and Fisher preceded him out the door,</p> <p>13 he would have been the third youngest?</p> <p>14 A That's correct.</p> <p>15 Q Did any police officer's pay get cut when Willis</p> <p>16 Abegglen was demoted from Deputy Chief to police</p> <p>17 officer?</p> <p>18 A No.</p> <p>19 Q At the time Mary Abegglen was reduced to 30 hours</p> <p>20 per week, do you have any recollection as to how</p> <p>21 her Administrative Assistant duties were</p> <p>22 covered --</p> <p>23 A I think --</p> <p>24 Q -- with the police department?</p> <p>25 A I think she still tried to do them. She was</p>	<p>1 Department was February 19, 2010, correct?</p> <p>2 A Correct.</p> <p>3 Q When did you become aware of the fact that he was</p> <p>4 going to retire effective that date?</p> <p>5 A When he gave -- he walked -- I think he gave</p> <p>6 me -- I'm trying to think. I don't know if he</p> <p>7 gave us the letter or -- he may have just given</p> <p>8 it to Bob, his retirement.</p> <p>9 Q Did you have any discussion with Mr. Museus about</p> <p>10 Mr. Abegglen's retirement at that time?</p> <p>11 A No. He just said that Willie had retired and</p> <p>12 that we were going to have to do without a</p> <p>13 Sergeant for a while. That was about it. I</p> <p>14 mean, it wasn't much of a conversation.</p> <p>15 Q When was the new Sergeant hired?</p> <p>16 A A month ago.</p> <p>17 Q So that would have been approximately August of</p> <p>18 2010, or July?</p> <p>19 A Probably first part of August.</p> <p>20 Q So from February 19th, 2010 to the first part of</p> <p>21 August, 2010, there were two Sergeants,</p> <p>22 Dransfield and Felger?</p> <p>23 A That's correct.</p> <p>24 Q And now it's Dransfield, Felger and Palmer?</p> <p>25 A Right.</p>

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<p>1 Q And Palmer was the contracted person you were</p> <p>2 working with as early as March of 2009?</p> <p>3 A I guess, yeah.</p> <p>4 Q One last document. I'm going to show you what's</p> <p>5 been marked as Exhibit 19. Can you identify what</p> <p>6 Exhibit 19 is for the record?</p> <p>7 A That's a memo to Willie from me June 24th, 2009.</p> <p>8 Q It's regarding psychological evaluation?</p> <p>9 A That's correct.</p> <p>10 Q It's an order by you directing him to report to</p> <p>11 Dr. Brad Grunert at Froedtert Clinic in</p> <p>12 Milwaukee?</p> <p>13 A Uhm-hum.</p> <p>14 Q For a psychological evaluation as ordered by Town</p> <p>15 Administrator Bob Museus, correct?</p> <p>16 A Uhm-hum, that's correct.</p> <p>17 Q What was the circumstances under which Mr. Museus</p> <p>18 ordered you to direct Willis Abegglen for a</p> <p>19 psychological examination as of June 24th, 2009?</p> <p>20 A I'm trying to remember what the conversation was.</p> <p>21 I think Bob, we wanted him to go for a psych to</p> <p>22 make sure that there would be no problems with</p> <p>23 him handling any kind of a demotion or anything.</p> <p>24 I don't remember all of the conversation.</p> <p>25 Q What concerns did Mr. Museus raise with you, do</p>	<p>1 MR. RETTKO: Dick, do you have any</p> <p>2 questions?</p> <p>3 MR. ZALEWSKI: I don't have any</p> <p>4 questions.</p> <p>5 MR. RETTKO: If you don't mind, I'm</p> <p>6 going to take about a 10 or 15-minute break just</p> <p>7 to make sure I don't have to ask him back.</p> <p>8 MR. ZALEWSKI: I need some ibuprofen.</p> <p>9 MR. RETTKO: Okay.</p> <p>10 THE WITNESS: Can I get coffee?</p> <p>11 MR. RETTKO: You can get some coffee,</p> <p>12 and I just want to make sure I don't have to call</p> <p>13 you back at some date in the future, so I just</p> <p>14 want to look at my notes.</p> <p>15 THE WITNESS: No problem. No problem.</p> <p>16 MR. RETTKO: Okay, thanks.</p> <p>17 (A recess was taken.)</p> <p>18 (At 11:41 a.m. the deposition</p> <p>19 concluded.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 you recall?</p> <p>2 A I don't recall.</p> <p>3 Q Do you have any recollection of what you may have</p> <p>4 told Mr. Museus in regard to Willis's</p> <p>5 psychological makeup?</p> <p>6 A I probably agreed with it so that that's why we</p> <p>7 sent him. None of the older sergeants had had</p> <p>8 psychologicals, or the patrolmen.</p> <p>9 Q Why would you have probably agreed with that?</p> <p>10 A Well, I don't know. I mean, it was certainly not</p> <p>11 going to hurt to have him take a psychological.</p> <p>12 He passed it fine, so --</p> <p>13 Q Is there any indication that Willis Abegglen is</p> <p>14 psychologically imbalanced?</p> <p>15 A Well, just that his temper sometimes would get</p> <p>16 out of control, but, again, that's Willie's</p> <p>17 personality.</p> <p>18 Q Is that any different than the way it was prior</p> <p>19 to February of 2009?</p> <p>20 A I don't know. I mean, it was constant.</p> <p>21 Q So was there any change in his temperament from</p> <p>22 February 2009 after that that required this</p> <p>23 psychological evaluation?</p> <p>24 A Not that I'm aware of.</p> <p>25 Q Okay.</p>	<p>1 STATE OF WISCONSIN)</p> <p>2) SS:</p> <p>3 MILWAUKEE COUNTY)</p> <p>4 I, CHRISTINE A. MORAN, RPR and Notary</p> <p>5 Public in and for the State of Wisconsin, do</p> <p>6 hereby certify that the deposition of JOHN</p> <p>7 WILSON, was taken before me at the Beloit Fire</p> <p>8 Department 2445 South Afton Road, Beloit,</p> <p>9 Wisconsin, on the 1st day of September, 2010,</p> <p>10 commencing at 9:32 in the forenoon.</p> <p>11 That it was taken at the instance of</p> <p>12 the Plaintiffs upon verbal interrogatories.</p> <p>13 That said statement was taken to be</p> <p>14 used in an action now pending in the UNITED</p> <p>15 STATES DISTRICT COURT, WESTERN DISTRICT OF</p> <p>16 WISCONSIN, in which Willis Abegglen, et al., are</p> <p>17 the Plaintiffs, and the Town of Beloit, et al.,</p> <p>18 are the Defendants.</p> <p>19 A P P E A R A N C E S</p> <p>20 RETTKO LAW OFFICES, S.C., 15460 West</p> <p>21 Capitol Drive, Suite 150, Brookfield, Wisconsin</p> <p>22 53005, by MR. WILLIAM R. RETTKO, appeared on</p> <p>23 behalf of the Plaintiffs.</p> <p>24 ZALEWSKI, KLINNER & KRAMER, LLP, 1500</p> <p>25 Merrill Avenue, P.O. Box 1386, Wausau, Wisconsin</p> <p>54401-1386, by MR. RICHARD W. ZALEWSKI, appeared</p>

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on behalf of the Defendants.

ALSO PRESENT: Kris Eastman, Robert
Museus, Willis Abegglen and Mary Abegglen.

That said deponent, before examination,
was sworn to testify the truth, the whole truth,
and nothing but the truth relative to said cause.

That the foregoing is a full, true and
correct record of all the proceedings had in the
matter of the taking of said deposition, as
reflected by my original machine shorthand notes
taken at said time and place.

Notary Public in and

for the State of Wisconsin

Dated this 9th day of September, 2010.
Milwaukee, Wisconsin.

My Commission expires December 12, 2010.

Halma-Jilek Reporting, Inc.
(414) 271-4466

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